

Sandwell Local Plan – Regulation 19 Publication Plan Representations (Respondent Order)



Rep Id	Respondent Id	Respondent Name	Agent	Document Element
1293	298	Mr Lester Babbington [298]		DUDLEY PORT AND TIPTON
1437	25	Mr Greg Ball [25]		DUDLEY PORT AND TIPTON
1439	25	Mr Greg Ball [25]		DUDLEY PORT AND TIPTON
1328	25	Mr Greg Ball [25]		Policy SEC4 – Other Employment Sites
1422	25	Mr Greg Ball [25]		Cycling and Walking Networks
1438	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	1. Sandwell 2041: Spatial Vision, Priorities and Objectives
1440	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	1. Sandwell 2041: Spatial Vision, Priorities and Objectives
1441	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	Policy SDS1 – Spatial Strategy for Sandwell
1442	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	Policy SDS8 - Green and Blue Infrastructure in Sandwell
1445	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	Policy SHW5 – Playing Fields and Sports Facilities
991443	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	Policy SHO1 - Delivering Sustainable Housing Growth
1444	315	Barratt West Midlands (Mr Dean Leadon) [315]	Harris Lamb (Mr Simon Hawley, Director - Planning) [65]	Policy SHO2 – Windfall developments
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1553	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SDS1 – Spatial Strategy for Sandwell
1554	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SDS5 - Achieving Well-designed Places
1555	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SDS7 – Sandwell's Green Belt
1560	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SDS7 – Sandwell's Green Belt
1564	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SDS8 - Green and Blue Infrastructure in Sandwell
1565	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SNE1 – Nature Conservation
1566	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1576	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1568	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows
1573	317	Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]		Biodiversity Net Gain (BNG) – Habitat Bank Sites (Policy SNE2)
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1389	231	Bloor Homes [231]	Harris Lamb (Mr John Pearce, Associate) [232]	Duty to Co-operate
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1347	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SDS6 - Cultural Facilities and the Visitor Economy
1345	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SDS7 – Sandwell's Green Belt
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1353	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SDS7 – Sandwell's Green Belt
1350	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		4. Sandwell's Natural and Historic Environment
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1349	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SCC5 – Flood Risk
1358	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SHW4 – Open Space and Recreation
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1354	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SHO4 - Affordable Housing
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1359	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople
1348	213	Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]		Policy SCE1 - Sandwell's Centres
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1585	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SDS8 - Green and Blue Infrastructure in Sandwell
1586	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1587	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SNE6 – Canals
1588	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SHE2 – Development in the Historic Environment
1589	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		5. Climate Change
1590	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SCC5 – Flood Risk
1591	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		Policy SCC6 - Sustainable drainage
1592	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		6. Health and Wellbeing in Sandwell

1593	12	Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]		7. Sandwell's Housing
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1449	192	Mr John Davison [192]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1459	51	Dudley MBC (Vicki Popplewell) [51]		Duty to Co-operate
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1462	51	Dudley MBC (Vicki Popplewell) [51]		Duty to Co-operate
1463	51	Dudley MBC (Vicki Popplewell) [51]		Policy SDS3 – Regeneration in Sandwell
1464	51	Dudley MBC (Vicki Popplewell) [51]		Policy SHO1 - Delivering Sustainable Housing Growth
1465	51	Dudley MBC (Vicki Popplewell) [51]		Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople
1466	51	Dudley MBC (Vicki Popplewell) [51]		Policy SEC1 – Providing for Economic Growth and Jobs

1467	51	Dudley MBC (Vicki Popplewell) [51]		Policy SEC2 – Strategic Employment Areas
1468	51	Dudley MBC (Vicki Popplewell) [51]		Policy SEC3 – Local Employment Areas
1469	51	Dudley MBC (Vicki Popplewell) [51]		Policy STR1 – Priorities for the Development of the Transport Network
1470	51	Dudley MBC (Vicki Popplewell) [51]		Policy STR4 – The Efficient Movement of Freight and Logistics
1471	51	Dudley MBC (Vicki Popplewell) [51]		Policy STR5 – Creating Coherent Networks for Cycling and Walking
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1512	47	FCC Environment [47]	Savills (Miss Andrea Caplan, Associate) [45]	Policy SCC1 – Energy Infrastructure
1513	47	FCC Environment [47]	Savills (Miss Andrea Caplan, Associate) [45]	Policy SCC3 – Climate-adapted Design and Construction
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1518	47	FCC Environment [47]	Savills (Miss Andrea Caplan, Associate) [45]	Policy SHO4 - Affordable Housing
1519	47	FCC Environment [47]	Savills (Miss Andrea Caplan, Associate) [45]	Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

1520	47	FCC Environment [47]	Savills (Miss Andrea Caplan, Associate) [45]	Policy SDM2 – Development and Design Standards
1390	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		DUDLEY PORT AND TIPTON
1391	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		DUDLEY PORT AND TIPTON
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1393	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Housing Allocations
1394	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Housing Allocations
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1396	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE1 – Nature Conservation
1397	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE1 – Nature Conservation
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1399	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE1 – Nature Conservation
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1401	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE1 – Nature Conservation
1402	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE1 – Nature Conservation

1403	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1404	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1405	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1406	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1407	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1408	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1409	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1410	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1411	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1412	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1413	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1414	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1415	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1420	21	Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]		Appendix H: Reasons for Selection and Rejection of Reasonable Alternative Sites

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1290	291	Holly Harrison [291]		Purpose of this Statement
1291	291	Holly Harrison [291]		Residential Parking Standards for Housing
1292	291	Holly Harrison [291]		Innovative use of design solutions
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1623	102	Historic England (Mrs Kezia Taylerson) [102]		What is driving the Vision for Sandwell?
1624	102	Historic England (Mrs Kezia Taylerson) [102]		Vision for Sandwell
1625	102	Historic England (Mrs Kezia Taylerson) [102]		Ensuring delivery of the Vision, priorities and strategic objectives
1626	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDS1 – Spatial Strategy for Sandwell
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1628	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDS3 – Regeneration in Sandwell
1629	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDS4 – Towns and Local Areas
1630	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDS8 - Green and Blue Infrastructure in Sandwell

1634	102	Historic England (Mrs Kezia Taylerson) [102]		4. Sandwell's Natural and Historic Environment
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1633	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SNE6 – Canals
1635	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SHE1 – Listed Buildings and Conservation Areas
1636	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SHE2 – Development in the Historic Environment
1637	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SHE3 – Locally Listed Buildings
1638	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SHE4 - Archaeology
1639	102	Historic England (Mrs Kezia Taylerson) [102]		5. Climate Change
1640	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SHO2 – Windfall developments
1641	102	Historic England (Mrs Kezia Taylerson) [102]		8. Sandwell's Economy
1642	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SEC1 – Providing for Economic Growth and Jobs
1643	102	Historic England (Mrs Kezia Taylerson) [102]		Historic Environment Allocations
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1645	102	Historic England (Mrs Kezia Taylerson) [102]		Policy STR1 – Priorities for the Development of the Transport Network
1646	102	Historic England (Mrs Kezia Taylerson) [102]		Policy STR2 – Safeguarding the Development of the Key Route Network (KRN)
1647	102	Historic England (Mrs Kezia Taylerson) [102]		Policy STR5 – Creating Coherent Networks for Cycling and Walking
1648	102	Historic England (Mrs Kezia Taylerson) [102]		Policy STR6 – Influencing the Demand for Travel and Travel Choices
1649	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SWA3 – Preferred Areas for New Waste Facilities
1650	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SWA4 – Locational Considerations for New Waste Facilities
1651	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SMI1 - Minerals Safeguarding
1652	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SMI2 - Managing the Effects of Mineral Development
1653	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDM4 - Advertisements
1654	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDM3 – Tall Buildings and Gateway Sites
1655	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDM4 - Advertisements
1656	102	Historic England (Mrs Kezia Taylerson) [102]		Policy SDM5 - Shop Fronts and Roller Shutters
1657	102	Historic England (Mrs Kezia Taylerson) [102]		APPENDIX B - Sandwell Site Allocations
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1665	102	Historic England (Mrs Kezia Taylerson) [102]		p
1531	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Duty to Co-operate
1532	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Vision for Sandwell
1533	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SDS1 – Spatial Strategy for Sandwell
1534	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SNE2 – Protection and Enhancement of Wildlife Habitats
1535	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows
1536	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SCC1 – Energy Infrastructure
1537	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SCC4 - Embodied carbon and waste
1538	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SHO1 - Delivering Sustainable Housing Growth
1539	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SHO4 - Affordable Housing
1540	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SHO5 - Delivering Accessible and Self / Custom Build Housing
1541	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SHO6 - Protecting Family Housing (Use Class C3)
1542	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		Policy SDM1 – Design Quality
1543	75	Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]		16. Delivery, Monitoring, and Implementation

1662	318	Iceni Projects (Ms Georgia Tuttle) [318]		Policy SDS3 – Regeneration in Sandwell
1661	318	Iceni Projects (Ms Georgia Tuttle) [318]		Policy SEC3 – Local Employment Areas
1663	318	Iceni Projects (Ms Georgia Tuttle) [318]		Policy SWA2 – Waste Sites
1578	318	Iceni Projects (Ms Georgia Tuttle) [318]		APPENDIX B - Sandwell Site Allocations
1579	318	Iceni Projects (Ms Georgia Tuttle) [318]		APPENDIX B - Sandwell Site Allocations
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1339	100	Woodland Trust (Mr Ben Green) [100]		Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows
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1293

Object

Document Element: DUDLEY PORT AND TIPTON

Respondent: Mr Lester Babbington [298]

Date received: 11/10/2024 via Web

Summary:

In relation to '3.47 Residential development is anticipated at Rattlechain', there are a number of concerns specific to this site and the impact of any development work on local nature and local residents of the Temple Way estate. These concerns include: disturbance of a hazardous landfill site with potential health impact on local residents and wildlife, clearing of a natural wildlife habitat, groundworks and building works vehicles accessing the site adding additional air pollution and noise to the area, work on the site would likely go on for years and likely cost much more than anticipated.

Full text:

In relation to '3.47 Residential development is anticipated at Rattlechain', there are a number of concerns specific to this site and the impact of any development work on local nature and local residents of the Temple Way estate. These concerns include: disturbance of a hazardous landfill site with potential health impact on local residents and wildlife, clearing of a natural wildlife habitat, groundworks and building works vehicles accessing the site adding additional air pollution and noise to the area, work on the site would likely go on for years and likely cost much more than anticipated.

Change suggested by respondent:

Remove the proposal to develop the land referred to as 'Rattlechain' green space (what3words: stay.ticket.cooks). There are plenty of brownfield sites to develop within Sandwell instead.

Legally compliant: No

Sound: No

Comply with duty: No

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Local residents (in particular those of Temple Way) have not been consulted on these plans to develop land alongside their community, nor have they had any opportunity to discuss the potential impacts of this development.

Attachments: None

Document Element: Policy SEC4 – Other Employment Sites

Respondent: Mr Greg Ball [25]

Date received: 31/10/2024 via Web

Summary:

Policy SEC4 is unsound because it will be ineffective in achieving its aims. The intention of the 'flexible' policy is welcome, but the stringent conditions controlling housing or other developments in Clause 1b will prevent desirable redevelopment in many cases. Consequently, the policy will not fulfil the intentions in paragraph 8.31." Policy SEC4 provides a flexible policy framework to guide development proposals in these areas. This policy supports Strategic Objectives 2 and 8."

Full text:

Policy SEC4 is unsound because it will be ineffective in achieving its aims. The intention of the 'flexible' policy is welcome, but the stringent conditions controlling housing or other developments in Clause 1b will prevent desirable redevelopment in many cases. Consequently, the policy will not fulfil the intentions in paragraph 8.31." Policy SEC4 provides a flexible policy framework to guide development proposals in these areas. This policy supports Strategic Objectives 2 and 8."

Clause 2 sets out the requirements to be met before housing redevelopment can be permitted. The first two requirements will be very difficult to satisfy, particularly where an employment area is in multi-occupation or ownerships:

"2. Development or uses under part 1(b) will only be supported where there is robust evidence that:

a. if the site is vacant, that it has been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority;

b. if the site is occupied or part-occupied, that successful engagement has been undertaken with the occupiers to secure their relocation;"

Despite its intention, the policy will tend to perpetuate inefficient and unsatisfactory employment uses in residential areas, while preventing housing or other developments that may improve residential amenity, reduce traffic problems, reduce the carbon imprint etc.

An example is Castle Street/ High St Tipton (site 2942). Its designation as a SEC4 site is appropriate. It provides low-cost premises but in an unsightly, complex, mix of poor-quality units in different ownerships, some vacant. There is a changing array of occupiers including motor repairers, a gym, playcentre, a wholesaler, the occasional cannabis farm and other unnamed businesses. Long-standing users include a taxi firm and snooker club,

There is a need for low-cost employment premises like these, but they can be bad neighbours for nearby housing areas. This area faces recent housing developments to front and rear, including a converted listed building. It is highly visible, being on a busy through route. It causes pavement parking and vehicle movements and lies on proposed cycle routes on High Street and Castle Street. Comprehensive redevelopment for housing could improve the amenity of neighbouring housing, improve the setting of a listed building, and address parking problems. However, given the complexity of the site, it will be difficult to satisfy the requirements of SEC4.2a and 2b. It is unlikely that a private investor will risk the complex, costly and lengthy process of land assembly without a firmer policy support. In contrast, ad hoc industrial developments and changes of use will be allowed without restriction, save those imposed by other policies in the plan.

There also appears to be inconsistency between the enhanced protection of occupiers under SEC4 and a lack of protection offered to existing occupiers on brownfield sites allocated for housing under SHO1 or windfall sites(SHO2). There is a similar inconsistency regarding vacant industrial land allocated for housing.

Change suggested by respondent:

One suggestion is to amend SEC4 by removing requirements 2a and 2b. The terms of leases or tenancies govern the interests of occupiers and occupiers make Investment decisions in the knowledge of how long they have secure tenure. The remaining clauses of SEC4, and other policies in the plan provide controls over any redevelopment.

An alternative would be to divide sites covered under SEC4 into those where continued industrial use is preferred and those which would benefit from comprehensive redevelopment for housing or other uses. The latter category would include sites, such as 2942, where the current "non-conforming employment uses" (see policy HO2, paragraph 7.13) reduce the amenity of adjacent residential areas or cause other problems. A new housing policy would cover these potential housing sites. As residential development is not guaranteed to happen, these sites would not count towards meeting the housing requirement until permission is granted.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Consultation draft

Appear exam: Written Representation

Attachments: None

1422

Comment

Document Element: Cycling and Walking Networks

Respondent: Mr Greg Ball [25]

Date received: 07/11/2024 via Web

Summary:

The development of the cycle network is welcome, but an alternative is proposed to Route 118 in Tipton Green. The suggested change will be safer and better support Policy STR5 3, clause 3: "Where possible, existing links including the canal network should be enhanced and the networks extended to serve new developments"

Full text:

The development of the cycle network is welcome, but an alternative is proposed to Route 118 in Tipton Green. Figure 13, and the interactive map shows cycle route 118 in Tipton Green running from the A4123 along Dudley Road (A4037), turning right into High Street and on to Tipton Station. A branch diverges down Castle Street crossing Park Lane West to link to the path along the former communication canal to the New Main Line Canal (National Cycle route 81).

Both routes are very challenging in terms of road layout and traffic conditions. Dudley Road is on the Stourbridge to Wednesbury key route. This busy road is used by HGVs and traffic is frequently queuing between High Street and the A4123 Birmingham New Road; There is associated congestion beyond the lights north-bound and along High Street. The High Street/Dudley Road junction is often blocked where these streams of traffic converge. One side of Dudley Road has terraced housing and on-road parking and access to a care home; on the other side there is access to the H&R oil depot, used by tankers from Europe. There is no space for a safe cycle lane and the Dudley Road/High Street crossroads has seen several collisions this year.

In addition, the commercial units on High Street and Castle cause on-street and pavement parking. Both cycle routes have to cross the A457 towards Tipton Centre. This busy key road will carry more traffic when the major housing site at Coseley Village is complete. My suggested alternative to the two routes would create a more attractive and safer canalside route from the A4123 to Owen Street centre and the railway station. It would support the strategy for Dudley Port and Tipton in line with Paragraph 3.49. "Further opportunities exist to build upon the existing infrastructure, making the canals and greenspace a destination, linking to wider attractions such as the Dudley Canal Trust, Black Country Museum and Dudley Zoo, and joining up with Tipton High Street"

The route would branch off the A4123 cycleway west of the junction with Dudley Road to join the Dudley Tunnel Canal towpath (there is half-completed spur already). It would follow the towpath (National Cycle Route 54) under A4037, Dudley Road, to a new bridge over the Birmingham Old Main Canal near the canal junction. It would continue along the Canal towpath towards Tipton, crossing under the A457. It would then follow Route 118 along the former Communication Canal to Union Street in the town centre and the New Mainline Canal (National Cycle route 81). A branch would link to Owen Street via Unity Walk.

It would require investment in a new canal bridge, but bold investments can have dramatic effects. The investment is quite modest in comparison with the cost of the Owen Street road road tunnel which was supposed, but failed, to regenerate Owen Street. It would create an attractive feature on the canal. Some years ago in Warwick, a new cycle bridge over the River Avon linked a park to a segregated cycleway along a busy road. It has become a safe and well-used route to school and created new walking and cycling opportunities. The proposed cycle route is safer and more attractive than those in the Plan. It would tie in with the Plan's vision for Dudley Port and Tipton by creating an off-road route linking the canals, Tipton centre and railway station and Dudley Canal Trust, the BCLM and Zoo.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Consultation stage

Appear exam: Not specified

Attachments:

1437

Support

Document Element: DUDLEY PORT AND TIPTON

Respondent: Mr Greg Ball [25]

Date received: 08/11/2024 via Web

Summary:

I support the intention of paragraph 3.49 to improve links between the canals and wider attractions such as the Dudley Canal Trust, Black Country Museum and Dudley Zoo, and Tipton Owen Street. Centre: see representation ID1422 for a suggested improvement to links.

Full text:

I support the intention of paragraph 3.49 to improve links between the canals and wider attractions such as the Dudley Canal Trust, Black Country Museum and Dudley Zoo, and Tipton Owen Street. Centre: see representation ID1422 for a suggested improvement to links.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Consultation draft.

Appear exam: Not specified

Attachments: None

1439

Comment

Document Element: DUDLEY PORT AND TIPTON

Respondent: Mr Greg Ball [25]

Date received: 08/11/2024 via Web

Summary:

Recent regeneration efforts seem to have undermined, rather than strengthen the role of Tipton Owen Street as a shopping and service centre. A masterplan is needed to address the future role of the centre.

Full text:

Paragraph 3.45 describes the decline in retail provision in Tipton(Owen Street) centre and the Council's current regeneration efforts. These efforts amount to the demolition of shops with flats above and replacement with very high density social residential units Whilst this contributes to housing supply in a location close to the railway station, it is at the cost of displacing several businesses which have either ceased trading or relocated elsewhere; fortunately the Post Office has secured premises within the remaining shopping precinct. Furthermore the Council has moved the library away from Owen Street. These changes will have reduced the already modest footfall and the continued presence of the one major retailer, Poundland, must be in doubt. A masterplan is needed to exploit the advantages of the town's twin canal frontages, proximity to major attractions in Dudley and railway station.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

Document Element: 1. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands' view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the "Duty to Cooperate" section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan's housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands' representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan's housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will deliver "at least" 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell's administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Omission of the Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

Document Element: I. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the

Duty to Cooperate. It is recognised in the "Duty to Cooperate" section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan's housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands' representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands' view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the "Duty to Cooperate" section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan's housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands' representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan's housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will

deliver “at least” 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell’s administrative area. The policy

should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCS, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of the Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

Document Element: Policy SDSI – Spatial Strategy for Sandwell

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

Policy SDSI – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan's housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDSI advises that the Plan will deliver "at least" 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDSI should be designed to deliver as much of the housing requirement as possible within Sandwell's administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure.

In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands' view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the "Duty to Cooperate" section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan's housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands' representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDSI – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan's housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDSI advises that the Plan will deliver "at least" 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDSI should be designed to deliver as much of the housing requirement as possible within Sandwell's administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council

will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of the Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands’ view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the “Duty to Cooperate” section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan’s housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands’ representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan’s housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will deliver “at least” 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in

policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell's administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council

will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of the Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.d of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands' view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the "Duty to Cooperate" section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan's housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands' representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan's housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will deliver "at least" 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell's administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the

policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.d of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

Document Element: Policy SHO2 – Windfall developments

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands’ view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the “Duty to Cooperate” section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan’s housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands’ representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan’s housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will deliver “at least” 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell’s administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those

sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of the Rowley Regis Golf Club as a housing allocation in plan.

Attachments:

Document Element: Policy SHW5 – Playing Fields and Sports Facilities

Respondent: Barratt West Midlands (Mr Dean Leadon) [315]

Agent: Harris Lamb (Mr Simon Hawley, Director - Planning) [65]

Date received: 08/11/2024 via Email

Summary:

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

Full text:

Barratt West Midlands are promoting the residential development of part of Rowley Regis Golf Club, located off the Portway Road in Rowley Regis (part of the golf club). A plan showing the extent of the site is provided at Appendix 1 to this letter. The site extends to approximately 7.1 hectares. An indicative block plan can be provided at request. It is envisaged that the site will deliver approximately 175 dwellings.

The Regulation 19 consultation draft plan does not apply a policy designation to the southern part of the Rowley Regis Golf Club. The northern section of the site is identified as a SLINC, however, this in itself is not a constraint to development. The emerging replacement Local Plan departs from the adopted Site Allocations and Delivery Development Plan Document that identifies the northern part of the site as a residential allocation, as well as part of a SLINC (helping demonstrate that this is not a constraint to the development of the site). It is Barratt West Midlands’ view that there is no reason for the removal of this site as an allocation. Indeed, the allocation should be extended to include all the land identified on the attached plan. Given the significant unmet housing need identified by the Regulation Consultation 19 document, the Council should be actively seeking to deliver all suitable and sustainable residential sites. The site is in the control of an experienced developer who would look to bring the site forward for development promptly.

Part of the site was a former landfill area. This area forms approximately 35% of the land proposed for an allocation. This is not a constraint to the development of the site. Landfill can be addressed through appropriate remediation. In any event, the scheme will be expected to provide public open space on site. This could be provided in the section of the site that formed the landfill if it is concluded that this is more appropriate than treating the site to facilitate the development.

The site is well suited to residential development. It is surrounded by built form in its north, east and west. The majority of the surrounding development is residential in nature, including the recently approved scheme at Bryan Bud Close.

Ambition 7 of the Plan is to ensure that Sandwell has new homes to meet a full range of housing needs to create an attractive neighbourhoods and deliver housing close to key transport routes. Whilst we fully support this ambition, it is not realized in the policies in the Plan. The Plan does not allocate enough housing land to meet the identified housing need. There is no agreement in place through the Duty to Cooperate to deliver the housing shortfall in other local authority areas. It is, therefore, imperative that the emerging Plan allocates all suitable and sustainable housing sites for development to address the significant housing shortfall.

As detailed in the covering letter accompanying these representations, Barratt West Midlands are promoting part of Rowley Regis Golf Club. The site is a suitable and sustainable housing site and should be identified as an allocation in the Plan as a housing allocation.

The draft Local Plan identifies a requirement for the provision of 26,350 homes by 2041. However, the Plan advises that only 10,434 dwellings can be provided within the plan area, resulting in an unmet housing need of 15,916 dwellings. It is the intention that the housing shortfall will be met through the Duty to Cooperate. It is recognised in the “Duty to Cooperate” section of the Plan that agreement on such matters through Statements of Common Ground are now a necessity.

At the present time there are no agreed Statements of Common Ground or an agreed solution to delivering the housing shortfall through the Duty to Cooperate. Given that a significant proportion of the Plan’s housing requirement will need to be met in other local authority areas this has the potential to cause a range of potential problems with ensuring sufficient housing delivery during the course of the plan period.

It is, therefore, incumbent upon Sandwell to identify as much housing development as possible on suitable and sustainable sites within the Plan area to reduce the housing shortfall.

As detailed within Barratt West Midlands’ representations, it is our view that their land interest at Rowley Regis Golf Club should be identified as a residential allocation in the Plan. The rationale for this is provided in the accompanying cover letter.

Policy SDS1 – Spatial Strategy for Sandwell, does not provide an appropriate approach to meet the Plan’s housing requirement.

Paragraph 2.6 of the draft Plan confirms that there is a need to identify 26,350 homes to meet the growth requirements of Sandwell by 2041. There is not, however, sufficient land within the Plan area to meet this requirement. As a consequence policy SDS1 advises that the Plan will deliver “at least” 10,434 dwellings. Given that there are no strategies in place to meeting the housing shortfall the spatial strategy set out in policy SDS1 should be designed to deliver as much of the housing requirement as possible within Sandwell’s administrative area. The policy should be amended to advise that a minimum of 10,434 dwellings will be delivered during the course of the plan period, however, the Council

will adopt a positive approach to the determination of all residential planning applications to try to exceed this figure. In doing so, the Council will actively support planning applications proposing the redevelopment of suitable and sustainable sites within the plan area including those sites that are not allocated for residential development in the Plan.

Whilst we generally support the provisions of policy SDS8 – Green and Blue Infrastructure in Sandwell, further clarity should be added to the policy to help confirm which sites in the plan area are afforded protection by the policy.

The Proposals Map identifies areas of community open space, wildlife corridors, strategic green space, local nature reserves, SINCs, areas of ancient woodland, SLINCs, amongst other designations as green and blue infilling. These designations should be afforded proportionate protection and control from development. There are, however, areas of “white land” on the Proposals Map that are not subject to any such designation. Sites such as this, that perform no natural or green space role, should be priority areas for development to help meet the housing requirement if they are subject to planning applications that demonstrate other policy requirements in the Plan can be met.

A large proportion of Barratt West Midlands’ land interest at Rowley Regis Golf Club is “white land” with the remainder forming part of a SLINC. The SLINC is not a constraint to development and can be addressed through appropriate mitigation. A SLINC section of the site is allocated for residential development by the adopted Local Plan, demonstrating it is suitable for development.

Policy SDS8 should clarify that it will not afford disproportionate protection to areas of open space in the plan area simply because they are undeveloped. Any protection will be proportionate to their value as a role of open space or their environmental resource.

Policy SHO1 should be revised to confirm that whilst a minimum of 10,434 new dwellings will be delivered during the course of the plan period it will be an objective to deliver as many houses as possible on suitable and sustainable sites to meet the identified housing need.

Whilst the policy advises that additional housing supply will also be secured on windfall sites throughout the urban area it should actively encourage and facilitate the delivery of windfall housing development given the significant housing shortfall. It is our view that the policy should adopt a similar approach to paragraph 11.4 of the Framework when local authorities are unable to demonstrate a 5 year housing land supply to actively facilitate housing development. It should advise that given the significant housing shortfall the Council will grant residential planning applications on sustainable sites unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

We have a number of significant concerns with policy SHO2 – Windfall Development. Whilst we support the recognition that the policy actively supports windfall developments on sustainable previously developed sites, its approach to residential planning applications on unallocated greenfield sites is entirely inappropriate. The Council have a significant housing shortfall and there are currently no arrangements in place for it to be met. The policy should support the development of unallocated greenfield sites unless there are specific reasons to resist development, such as an insurmountable ecological designation, or if re-identification of the site is an area of parkland or public open space.

It is also entirely inappropriate for the policy to prioritise “Council owned land that is deemed surplus to requirements”. There are owners of greenfield sites in the borough that are also surplus to their requirements. It is entirely inappropriate to the Council to differentiate the approach to supporting windfall planning applications based purely upon land ownership, particularly given that the preferred landowner is the Council.

Policy SHW5 – Playing Fields and Sports Facilities, advises that playing fields and sports facilities will not be built upon unless one of four criteria are met. The policy or its supporting text should clearly define what is meant by “playing fields” and “sports facilities”.

The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 defines playing fields/pitches as sites of 0.4 hectares or more which are used for association football, American football, rugby, cricket, hockey, lecross, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo. The policy supporting text advises that there is an issue in Sandwell with the low quality of playing pitches, therefore it is rational for this policy to afford playing pitches protection from development unless these criteria can be met. The term “sports facilities” is not defined by the policy or in legislation. However, the policy supporting text appears to suggest that this is principally built sport facilities, albeit this is not clear.

It should be made clear that this policy does not afford protection to golf courses. Golf courses fall outside the definition of “playing pitch”. Private golf courses have no public access and are, in effect, recreational businesses. As they have no public access they are only of benefit to fee paying members. They should not, therefore, be afforded protection from development by policy SHW5.

change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: The omission of Rowley Regis Golf Club as a housing allocation in the plan.

Attachments:

1547

Object

Document Element: What is driving the Vision for Sandwell?

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

In order to be legally compliant with existing relevant policies (e.g. the National Planning Policy Framework aim to promote sustainable transport and the West Midlands Combined Authority Local Transport Plan (LTP) aims, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure" and to improve soundness, several suggestions are made below for this section of the local plan.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Ambition 6: In order to align with the National Planning Policy Framework aim to promote sustainable transport and the West Midlands Combined Authority Local Transport Plan (LTP) aims, including electrifying transport and reducing emissions, there should inclusion of sustainability as part of the public transport vision.

Ambition 7: In order to align with the National Planning Policy Framework aim of sustainable development, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure, green infrastructure needs to be delivered and opportunities for biodiversity need to be integrated into these new developments and will be key in creating the 'attractive neighbourhoods' this ambition aspires to.

Ambition 8: In order to align with the National Planning Policy Framework aims of promoting healthy and safe communities, well-designed and beautiful places, and conserving and enhancing the environment, this ambition should include greenspaces. The design and inclusion of greenspaces will be key in making the Borough a place where people choose to bring up their families, will improve environmental health, and support nature recovery.

Change suggested by respondent:

- Suggested change for Ambition 6: "We have excellent, affordable and sustainable public transport...".

- Suggested change for Ambition 7: "We now have many new homes, with green infrastructure, to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes".

- Suggested change for Ambition 8: "Our distinctive towns and neighbourhoods with with ample, good quality, nature rich greenspaces and successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families"

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, 2023 consultation.

Appear exam: Written Representation

Attachments: None

1549

Object

Document Element: Vision for Sandwell

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet. In order to align with the National Planning Policy Framework aims of promoting healthy and safe communities, well-designed and beautiful places, and conserving and enhancing the environment, this ambition should include greenspaces. Having quality sites that function both as spaces for local leisure activities, but are also healthy, biodiverse, functional ecosystems in their own right needs to be a priority. Correct design and realistic delivery of these spaces should be a key part of this Vision.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet. In order to align with the National Planning Policy Framework aims of promoting healthy and safe communities, well-designed and beautiful places, and conserving and enhancing the environment, this ambition should include greenspaces. Having quality sites that function both as spaces for local leisure activities, but are also healthy, biodiverse, functional ecosystems in their own right needs to be a priority. Correct design and realistic delivery of these spaces should be a key part of this Vision.

Change suggested by respondent:

- Suggested change: "They benefit from quality greenspaces and..."

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, during the 2023 consultations.

Appear exam: Written Representation

Attachments: None

1552

Object

Document Element: Priorities and Objectives

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Enhancing our natural environment:

Objective 3. Suggestions provided in order to meet required criteria of soundness and legal compliance.

Housing that meets all our needs

Objective 6. In order to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain law 2024, this objective should include maximising biodiversity gains through the design of these developments, and ensuring that they tie in to wider ecological networks. Providing diverse and functional greenspace within development would benefit residents in a number of ways to meet their needs.

Enabling a strong, stable and inclusive economy

Objective 8: In order to align with the UK Environment Act 2021 and National Planning Policy Framework, the wording should reflect that considering the environment is imperative.

Change suggested by respondent:

Enhancing our natural environment:

Objective 3. For clarity, we suggest a change to the wording of this sentence.

- Suggested change: "To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure."

Objective 6 suggested change: "Suggested change: From current wording to "maximising biodiversity gains through the design of these developments, and ensuring that they tie in to wider ecological networks. To ensuring the protection of current areas of principal biodiversity importance and the through maximising biodiversity gains (10% minimum but seeking higher wherever possible) through sound planning implementation and delivery of relevant legislation and ensuring alignment the Local Nature Recovery Strategy."

Objective 6 suggested change: Support regeneration, business investment and job creation to maintain and grow a prosperous and resilient local and regional economy in ways that put the natural environment and climate change front and centre".

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, during the 2023 consultations.

Appear exam: Written Representation

Attachments: None

1553

Object

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Policy SDS1 - Spatial Strategy for Sandwell. In order to align with the National Planning Policy Framework, and the National Policy Framework and Guidance, reference to the Local Nature Recovery Strategy (LNRS) should be made (this should be the case throughout the document to make it future proof given the expected publication of the LNRS in April 2025).

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Policy SDS1 - Spatial Strategy for Sandwell. In order to align with the National Planning Policy Framework, and the National Policy Framework and Guidance, reference to the Local Nature Recovery Strategy (LNRS) should be made (this should be the case throughout the document to make it future proof given the expected publication of the LNRS in April 2025).

Change suggested by respondent:

- Policy SDS1 suggested change: Add additional bullet point: "protect and support Nature Recovery". Or this can be included on bullet point "i" as: "protect habitats and areas of ecological value and protect and support Nature Recovery."

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, during the 2023 consultations.

Appear exam: Written Representation

Attachments: None

1554

Object

Document Element: Policy SDS5 - Achieving Well-designed Places

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Policy SDS5 - Achieving Well-designed Places. In order to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain law 2024, and to align with the National Planning Policy Framework aim of sustainable development, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework, this policy should include the Local Nature Recovery Strategy, biodiversity net gain, and green infrastructure.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

Policy SDS5 - Achieving Well-designed Places. In order to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain law 2024, and to align with the National Planning Policy Framework aim of sustainable development, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework, this policy should include the Local Nature Recovery Strategy, biodiversity net gain, and green infrastructure.

Change suggested by respondent:

- Suggested changes:

- d. include additional point "vi. biodiversity net gain requirements and green infrastructure goals."

- i. amend to state, "protect habitats and areas of ecological value as well as further Nature's Recovery."

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, during the 2023 consultations.

Appear exam: Written Representation

Attachments: None

1555

Object

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

In order to be legally compliant with existing relevant policies (e.g. The Green Belt planning policy in the UK) and to implement the West Midlands Green Belt, and in order to meet the required criteria for soundness, the suggestion is made below for this section of the local plan.

Full text:

In order to be legally compliant with existing relevant policies (e.g. The Green Belt planning policy in the UK) and to implement the West Midlands Green Belt, and in order to meet the required criteria for soundness, the suggestion is made below for this section of the local plan.

Change suggested by respondent:

- Suggested change: it should be clarified that “inappropriate development within the greenbelt will not be permitted.”

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, during the 2023 consultations.

Appear exam: Written Representation

Attachments: None

1560

Object

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Justification: Green and Blue Infrastructure

3.104. The reference to “the nature recovery strategy” here is unclear and requires clarity as to which strategy you are referring to.

Full text:

Justification: Green and Blue Infrastructure

3.104. The reference to “the nature recovery strategy” here is unclear and requires clarity as to which strategy you are referring to.

Change suggested by respondent:

- Suggested change: Throughout the document if you mean a reference to the Local Nature Recovery Strategy currently being produced by the West Midlands Combined Authority and due to be published in April 2025 then any references in the plan to the nature recovery strategy must be written as “the Local Nature Recovery Strategy”.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: All prior consultations including 2023 consultations.

Appear exam: Written Representation

Attachments: None

1564

Object

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

5. All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process.

6. It should be made clear here that proposals that affect designated site or important habitat will be rejected.

Change suggested by respondent:

Policy SNE1 - Nature Conservation

Points 3 & 4 suggested change: For soundness for points 3 and 4, it should be clarified that “Development will be refused where it will negatively impact or contribute to the decline of protected species, habitats or geological features. Any impacts must follow the principles of mitigation hierarchy.” Additionally, “Development that will negatively impact any areas of principal biodiversity importance (in line with the Local Nature Recovery Strategy) will be rejected. Where there is evidence that a site or area could be of significant potential importance, relevant assessments must be conducted prior to a landuse change/land allocation decision.

- Point 5 suggested change: “The movement of wildlife within Sandwell and into / out of adjoining areas, through both linear habitats (e.g., wildlife corridors) and the wider urban matrix (e.g., stepping-stone sites) must not be impeded by development. Developers must take account of the Local Nature Recovery Strategy (Policy SNE2) when preparing their schemes and must plan for the maintenance and where possible enhancement of such linkages.”

Point 6 ggested change: Adequate information must be submitted with applications for proposals that may affect any designated site or important habitat, species, or geological feature, to ensure that the likely impacts of the proposal can be fully assessed. Where the necessary information is not made available, there will be a presumption against granting planning permission. Proposals that affect designated site or important habitat will be rejected except under extraordinary circumstances.”

Justification:

4.3 “Development in Sandwell must contribute positively to the protection, enhancement and expansion of the natural environment across the wider Black Country by...”

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: At all earlier stages, including 2023 consultations.

Appear exam: Written Representation

Attachments: None

1565

Object

Document Element: Policy SNE1 – Nature Conservation

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

5. All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process.

6. It should be made clear here that proposals that affect designated site or important habitat will be rejected.

Change suggested by respondent:

Policy SNE1 - Nature Conservation

Suggested change: For soundness for points 3 and 4, it should be clarified that “Development will be refused where it will negatively impact or contribute to the decline of protected species, habitats or geological features. Any impacts must follow the principles of mitigation hierarchy.” Additionally, “Development that will negatively impact any areas of principal biodiversity importance (in line with the Local Nature Recovery Strategy) will be rejected. Where there is evidence that a site or area could be of significant potential importance, relevant assessments must be conducted prior to a landuse change/land allocation decision.

Point 5: “The movement of wildlife within Sandwell and into / out of adjoining areas, through both linear habitats (e.g., wildlife corridors) and the wider urban matrix (e.g., stepping-stone sites) must not be impeded by development. Developers must take account of the Local Nature Recovery Strategy (Policy SNE2) when preparing their schemes and must plan for the maintenance and where possible enhancement of such linkages.”

Point 6: "Adequate information must be submitted with applications for proposals that may affect any designated site or important habitat, species, or geological feature, to ensure that the likely impacts of the proposal can be fully assessed. Where the necessary information is not made available, there will be a presumption against granting planning permission. Proposals that affect designated site or important habitat will be rejected except under extraordinary circumstances."

Justification:

4.3 “Development in Sandwell must contribute positively to the protection, enhancement and expansion of the natural environment across the wider Black Country by...”

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: At all earlier stages (e.g. 2023).

Appear exam: Written Representation

Attachments: None

1566

Object

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

In order to meet soundness criteria, and to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain law 2024, there is clarification needed regarding the following (see changes below).

Local Nature Recovery Network Strategy: 7-9. In order to align with the National Planning Policy Framework, and the National Policy Framework and Guidance, the Nature Recovery Strategy needs to be referred to. All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process.

Full text:

Policy SNE2 – Protection and Enhancement of Wildlife Habitats:

Biodiversity Net Gain

In order to meet soundness criteria, and to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain law 2024, there is clarification needed regarding the following (see changes below).

Local Nature Recovery Network Strategy: 7-9. In order to align with the National Planning Policy Framework, and the National Policy Framework and Guidance, the Nature Recovery Strategy needs to be referred to. All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process. Guidance on complying with the biodiversity duty includes who public authorities are and what they should do.

Change suggested by respondent:

- 2a. Clarity is needed around which 'sites' in the local area are being referred to. If the sites in the table are being referred to then this should be explicitly stated for clarity and soundness to be achieved.

- 2b. How far away from the site will be too far? This should be explicitly stated for clarity and soundness to be achieved.

2c. In order to align with the National Planning Policy Framework, and the National Policy Framework and Guidance, the Local Nature Recovery Strategy needs to be referred to. All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process. Guidance on complying with the biodiversity duty includes who public authorities are and what they should do.

Local Nature Recovery Strategy:

“All development must help deliver the Local Nature Recovery Strategy in line with the following principles...”

- “Development must be designed to protect and enhance existing habitats and ecological networks, including wildlife corridors and stepping stones. Development must minimise any potential harm and disturbance (including from site lighting) to locally designated sites, species, habitats including.”

Local Nature Recovery Network Strategy: 12. Local opportunities for habitats and wildlife.

- Suggested change: “All applicants, including those undertaking householder schemes and smaller-scale developments must include additional enhancement opportunities for wildlife and conservation in their proposals.”

Justification: Biodiversity net gain

4.20.e. Statement regarding “existing sealed surfaces” is inaccurate and requires clarification to meet soundness requirement. If you replace a sealed surface with any habitat of biodiversity value, then you guarantee net gain.

- Suggested change: Change statement such that “Existing sealed surfaces (such as tarmac or existing buildings) are not given a zero score under the BNG metric.” Meaning these surfaces are not effectively exempted from percentage gain requirement.

Justification: Climate change and biodiversity

4.60 In order to comply with and implement the Environment Act 2021, the clearance of trees from a site prior to the submission of a planning application, or any clearance of the site prior to a planning application being submitted is not permitted and may result in sanctions. The language needs to be stronger than “imprudent” to align with the Act and signify this.

- Suggested change: The clearance of trees from a site prior to the submission of a planning application is not permitted and doing so may result in sanctions.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: At 2023 stage.

Appear exam: Written Representation

Attachments: None

1568

Object

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework, the Sandwell Local Plan goals for green and blue infrastructure, and the 2023 Natural England Green Infrastructure Framework on the delivery and enhancement of green infrastructure) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

Change suggested by respondent:

4. Habitat Creation.

- Comment: Even with the clarification included, trees and woodland habitats should be encouraged for developers to implement.

10. Canopy Cover

- Suggested change: From the point of view of soundness and clarity, we suggest focusing on the species in practical guidance documents and here focusing on increasing canopy cover expectation or ambition.

Climate Change and Biodiversity

- Comment: Perhaps Construction Environmental and Landscape and Ecological Management Plans could be mentioned here, to provide the PA with reassurances that a) trees are being properly protected during development b) appropriate tree species are being properly planted in optimal conditions on site.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: All earlier stage (e.g 2023).

Appear exam: Written Representation

Attachments: None

1573

Object

Document Element: Biodiversity Net Gain (BNG) – Habitat Bank Sites (Policy SNE2)

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan. Biodiversity Net Gain maps should be compiled by applying the appropriate standard (e.g. through use of UKHab for Phase 1).

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, the National Planning Policy Framework) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan. Biodiversity Net Gain maps should be compiled by applying the appropriate standard (e.g. through use of UKHab for Phase 1).

Change suggested by respondent:

Biodiversity Net Gain

Comment: Biodiversity Net Gain maps should be compiled by applying the appropriate standard (e.g. through use of UKHab for Phase 1).

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: At all earlier stages (e.g. 2023).

Appear exam: Written Representation

Attachments: None

1574

Object

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, and the National Planning Policy Framework and guidance) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

We would object to any housing allocation on a site that has a current local site designation. See further details in changes suggested below.

Full text:

Reiterating from our previous response submitted in December 2023 as our suggested changes have not been included yet.

In order to be legally compliant with existing relevant policies (e.g. UK Environment Act 2021, the Biodiversity Net Gain law 2024, and the National Planning Policy Framework and guidance) and in order to meet the required criteria for soundness, several suggestions are made below for this section of the local plan.

We would object to any housing allocation on a site that has a current local site designation. See further details in changes suggested below.

Change suggested by respondent:

Sandwell Site Allocations and Allocation Changes

Comment: Each allocation needs to be checked for being Potential Sites of Importance (PSI) and evidence reviewed on each case and the need for a local sites assessment to be considered prior to the allocation. Evidence on a number of Potential Sites of Importance (PSIs) suggested local site assessments should be carried out in order to establish whether these meet the local sites criteria threshold. Examples (though not an exhaustive list) are listed below.

Comment: We would object to any housing allocation on a site that has a current local site designation. For example, SH18 and SH43 below. We would also object to the allocation of any PSIs where evidence suggests these could be sites of value locally on the basis that these would require local site assessment prior to an allocation being proposed. For example we would object to SH35 and SH36 on this basis. We are aware that the area to the East of the lagoon supports a sizeable area of kidney vetch and is likely to support a colony of the rare Small Blue butterfly. We understand that other notable species such as Bee Orchids are present on the eastern side of that site (by Macdonald Close) and that this is an area of grassland, open mosaic and scrub which has developed on former colliery/brickworks land which connects to the wider Sheepwash area. The areas have also been identified as core areas in the nature recovery network analysis therefore the need for a local sites assessment in such circumstances is clear.

Please see further notes and objections to specific allocations here:

SH18 - Friar Park, Wednesbury. The site is a Site of Local Importance for Nature Conservation (SLINC) and part of the core nature recovery network/LNRS areas of principal biodiversity importance. We therefore object to it being allocated for housing/development.

SH19 - Land at Horseley Heath, Tipton. Due to its adjacency, we have concerns about the impact of this allocation on Dixons Branch Canal

SH21 - Dudley Road East. As above, but for Gower Branch Canal

SH30 - Land to East of Black Lane, West Bromwich. As above, but for Ridgeacre Branch Canal

These are areas that could be potential sites of importance so evidence should be reviewed and a local sites assessment could be necessary.

SH35 - Rattlechain site - land to north of Temple Way, Tividale.

SH36 - Land between Addington Way and River Tame, Temple Way. Adjacent to Brades Hall SLINC.

Both SH35 and 36 are PSIs We are aware that the area to the East of the lagoon supports a sizeable area of kidney vetch and is likely to support a colony of the rare Small Blue butterfly. We understand that other notable species such as Bee Orchids are present on the eastern side of that site (by Macdonald Close) and that this is an area of grassland, open mosaic and scrub which has developed on former colliery/brickworks land which connects to the wider Sheepwash area. The areas have also been identified as core areas in the nature recovery network analysis therefore the need for a local sites assessment in such circumstances is clear and the allocation reviewed accordingly, as necessary.

SH43 - Land off Tanhouse Avenue, Great Barr. The site is a Site of Local Importance for Nature Conservation (SLINC) adjacent to a SINC (Site of Importance for Nature Conservation) and part of the core nature recovery network/LNRS areas of principal biodiversity importance. We therefore object to it being allocated for housing/development.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: All earlier stages (e.g. 2023).

Appear exam: Written Representation

Attachments: None

1576

Object

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Birmingham & Black Country Wildlife Trust (Dr. Kayla Paulson, Senior Planning and Biodiversity Officer) [317]

Date received: 11/11/2024 via Web

Summary:

Local opportunities for habitats and wildlife.

In order to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain (BNG) law 2024, the requirements for BNG must be made clear here for most developments. Relating to the National Policy Framework and Guidance, all public authorities also have a duty to conserve and enhance biodiversity.

Full text:

Local opportunities for habitats and wildlife.

In order to align with the UK Environment Act 2021 and implement the Biodiversity Net Gain (BNG) law 2024, the requirements for BNG must be made clear here for most developments. Relating to the National Policy Framework and Guidance, all public authorities also have a duty to conserve and enhance biodiversity.

Change suggested by respondent:

12. All applicants, must seek to include additional enhancement opportunities for wildlife and conservation in their proposals in line with the scale and type of development in compliance with relevant legislation and seeking to make a proportionate, significant contribution to nature's recovery.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Written Representation

Attachments: None

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Birmingham City Council (Mrs Sarah Scannell, Assistant Director Planning) [307]

Date received: 05/11/2024 via Email

Summary:

Policy SDS1 – Spatial Strategy for Sandwell

The Sandwell Local Plan identifies that there is a need for land to accommodate 26,350 homes by 2041. However, due to the highly urbanised and constrained nature of Sandwell, the Local Plan is only able to identify sufficient land to supply 10,434 homes. This leaves a significant shortfall and an unmet housing need of 15,916 homes.

Similarly, the Local Plan has also identified 42 hectares of additional employment land compared to its projected need of 211 hectares as set out in its Employment Development Needs Assessment meaning a shortfall of 169 hectares. 18 hectares of this will be met through apportionment of land from the West Midlands Strategic Freight Interchange near J12 of the M6 in accordance with the assessment report produced by Stantec in 2021.

In view of the levels of both housing and employment land needs identified within the Local Plan and the significant shortfalls experienced, options such as densification, development of open and green spaces and development of the green belt were previously explored to reduce this shortfall. However, the Spatial Strategy sets out that further 'overdevelopment' would have a detrimental effect on the living environment in Sandwell along with degradation of the natural and built environment including habitats and green and blue infrastructure. We accept that other potential sources of additional supply have been fully explored. Similarly, we accept that there is very little potential for green belt release in Sandwell given that its green belt areas (which fall mainly within or adjacent to the Sandwell Valley) are limited and heavily constrained due to the intersection by the M5/M6 interchange and potential flooding issues.

As mentioned above, the Preferred Options for the Birmingham Local Plan also identified a 46,153 shortfall for housing. Proposed changes to the NPPF and the Standard Methodology for the calculation of housing projections announced by the Government in July 2024 may have a significant effect in reducing this shortfall but this is countered by increases in housing projections elsewhere in the West Midlands conurbation which means that there will likely be continued significant capacity issues in the Greater Birmingham and Black Country HMA going forwards. It is therefore essential for close working to continue between the two authorities and across the HMA to try and address the shortfalls as much as possible across the wider area.

Full text:

previously stated during earlier stages in preparation of the Local Plan, the City Council has had a strong working relationship with Sandwell alongside the other Black Country Authorities regarding planning matters for many years, particularly as the two authorities share a considerable joint boundary. This was illustrated by the successful adoption of the Smethwick to Birmingham Corridor Framework SPD in February 2022 which will help to maximise mutually beneficial development opportunities across the boundary along that corridor. In addition, the two local planning authorities continue to work closely alongside the other local authorities which make up the Greater Birmingham and Black Country Housing Market Area (HMA), to identify ways in which housing and employment land shortfalls can be met across the wider HMA since such shortfalls first emerged following the adoption of the Birmingham Development Plan in 2017.

Birmingham is currently progressing its own Local Plan with consultation on the Preferred Options document having taken place in July and August 2024. The consultation document identified significant potential housing land shortfalls for the city. The City Council is currently considering its position following the consultation on the proposed changes to the NPPF and the Standard Methodology for the calculation of housing projections announced by the Government in July 2024. However, even if these proposed changes are taken into account, it is still likely that meeting Birmingham's housing and employment land needs in full will be challenging.

Overall, Birmingham City Council is supportive of the approach taken by Sandwell Council within their Local Plan Publication. Further detailed comments on specific strategic and cross-boundary issues are set out below.

Policy SDS1 – Spatial Strategy for Sandwell

The Sandwell Local Plan identifies that there is a need for land to accommodate 26,350 homes by 2041. However, due to the highly urbanised and constrained nature of Sandwell, the Local Plan is only able to identify sufficient land to supply 10,434 homes. This leaves a significant shortfall and an unmet housing need of 15,916 homes.

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Policy SDS3 – Regeneration in Sandwell

As the two local authorities share a considerable boundary, it is welcomed that the Sandwell Local Plan recognises in paragraph 3.19 the need to “support its neighbours in bringing forward land for employment and housing that sits adjacent to existing administrative boundaries and will work in partnership to ensure related infrastructure needs are addressed across those boundaries.”

This has been illustrated in recent years with the successful joint production and adoption of the Smethwick to Birmingham Corridor Framework SPD in February 2022 and this work is further reflected in the Local Plan with the Smethwick section of the corridor being identified as one of the key Regeneration Areas within Policy SDS3. This is welcomed by Birmingham to further assist in successfully securing much needed cross boundary development and regeneration opportunities to this part of the conurbation (with a focus around the development of the recently opened Midland Metropolitan Hospital which will serve communities on either side of the boundary).

Summary

Overall, Birmingham City Council is supportive of the approach being taken by Sandwell in the development of its Local Plan and in meeting the soundness requirements set out in the NPPF. We agree that the Council has worked with neighbouring authorities to provide as much certainty as possible about how and where its full housing and employment land needs will be delivered as part of its Duty to Cooperate obligations.

We also support the commitment to ongoing engagement with its neighbours, building on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). This is particularly important, given the housing land shortfalls experienced by the GBBCHMA under the current Government housing projection methodology and the likely continuance of shortfalls across the HMA under the proposed new methodology which will likely come into effect during 2025.

It is therefore important that the two local authorities continue to work closely, as well as with surrounding local authorities in the HMA, to identify and implement an agreed approach to tackle how such shortfalls are to be accommodated to ensure the continued soundness and effectiveness of both Plans. Once Birmingham's position is known, following the forthcoming changes to the NPPF and housing projection methodology, we will continue to promote and encourage further work across these wider market areas to provide a strategic approach to the supply and delivery of housing and employment needs in future years to mitigate for the potential unmet needs across the conurbation. As previously stated, this may require and include further studies across the wider West Midlands area as well as Statements of Common Ground with, and between, relevant local authorities as a roadmap for meeting shortfalls through potential local plan allocations elsewhere.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: Birmingham City Council (Mrs Sarah Scannell, Assistant Director Planning) [307]

Date received: 05/11/2024 via Email

Summary:

Policy SDS3 – Regeneration in Sandwell

As the two local authorities share a considerable boundary, it is welcomed that the Sandwell Local Plan recognises in paragraph 3.19 the need to “support its neighbours in bringing forward land for employment and housing that sits adjacent to existing administrative boundaries and will work in partnership to ensure related infrastructure needs are addressed across those boundaries.”

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Full text:

previously stated during earlier stages in preparation of the Local Plan, the City Council has had a strong working relationship with Sandwell alongside the other Black Country Authorities regarding planning matters for many years, particularly as the two authorities share a considerable joint boundary. This was illustrated by the successful adoption of the Smethwick to Birmingham Corridor Framework SPD in February 2022 which will help to maximise mutually beneficial development opportunities across the boundary along that corridor. In addition, the two local planning authorities continue to work closely alongside the other local authorities which make up the Greater Birmingham and Black Country Housing Market Area (HMA), to identify ways in which housing and employment land shortfalls can be met across the wider HMA since such shortfalls first emerged following the adoption of the Birmingham Development Plan in 2017.

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Overall, Birmingham City Council is supportive of the approach taken by Sandwell Council within their Local Plan Publication. Further detailed comments on specific strategic and cross-boundary issues are set out below.

Policy SDS1 – Spatial Strategy for Sandwell

The Sandwell Local Plan identifies that there is a need for land to accommodate 26,350 homes by 2041. However, due to the highly urbanised and constrained nature of Sandwell, the Local Plan is only able to identify sufficient land to supply 10,434 homes. This leaves a significant shortfall and an unmet housing need of 15,916 homes.

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In view of the levels of both housing and employment land needs identified within the Local Plan and the significant shortfalls experienced, options such as densification, development of open and green spaces and development of the green belt were previously explored to reduce this shortfall. However, the Spatial Strategy sets out that further ‘overdevelopment’ would have a detrimental effect on the living environment in Sandwell along with degradation of the natural and built environment including habitats and green and blue infrastructure. We accept that other potential sources of additional supply have been fully explored. Similarly, we accept that there is very little potential for green belt release in Sandwell given that its green belt areas (which fall mainly within or adjacent to the Sandwell Valley) are limited and heavily constrained due to the intersection by the M5/M6 interchange and potential flooding issues.

As mentioned above, the Preferred Options for the Birmingham Local Plan also identified a 46,153 shortfall for housing. Proposed changes to the NPPF and the Standard Methodology for the calculation of housing projections announced by the Government in July 2024 may have a significant effect in reducing this shortfall but this is countered by increases in housing projections elsewhere in the West Midlands conurbation which means that there will likely be continued significant capacity issues in the Greater Birmingham and Black Country HMA going forwards. It is therefore essential for close working to continue between the two authorities and across the HMA to try and address the shortfalls as much as possible across the wider area.

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This has been illustrated in recent years with the successful joint production and adoption of the Smethwick to Birmingham Corridor Framework SPD in February 2022 and this work is further reflected in the Local Plan with the Smethwick section of the corridor being identified as one of the key Regeneration Areas within Policy SDS3. This is welcomed by Birmingham to further assist in successfully securing much needed cross boundary development and regeneration opportunities to this part of the conurbation (with a focus around the development of the recently opened Midland Metropolitan Hospital which will serve communities on either side of the boundary).

Summary

Overall, Birmingham City Council is supportive of the approach being taken by Sandwell in the development of its Local Plan and in meeting the soundness requirements set out in the NPPF. We agree that the Council has worked with neighbouring authorities to provide as much certainty as possible about how and where its full housing and employment land needs will be delivered as part of its Duty to Cooperate obligations.

We also support the commitment to ongoing engagement with its neighbours, building on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). This is particularly important, given the housing land shortfalls experienced by the GBBCHMA under the current Government housing projection methodology and the likely continuance of shortfalls across the HMA under the proposed new methodology which will likely come into effect during 2025.

It is therefore important that the two local authorities continue to work closely, as well as with surrounding local authorities in the HMA, to identify and implement an agreed approach to tackle how such shortfalls are to be accommodated to ensure the continued soundness and effectiveness of both Plans. Once Birmingham's position is known, following the forthcoming changes to the NPPF and housing projection methodology, we will continue to promote and encourage further work across these wider market areas to provide a strategic approach to the supply and delivery of housing and employment needs in future years to mitigate for the potential unmet needs across the conurbation. As previously stated, this may require and include further studies across the wider West Midlands area as well as Statements of Common Ground with, and between, relevant local authorities as a roadmap for meeting shortfalls through potential local plan allocations elsewhere.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1388

Object

Document Element: Policy SDSI – Spatial Strategy for Sandwell

Respondent: Bloor Homes [231]

Agent: Harris Lamb (Mr John Pearce, Associate) [232]

Date received: 06/11/2024 via Email

Summary:

The strategy as presented proposes to allocate 10,434 new homes in Sandwell leaving a shortfall of 15,916 dwellings that are needed but which cannot be accommodated in the Council's administrative area. This is a substantial number of homes and represents a substantial number of people and families that will go without homes should a definitive solution not be found.

Bloor consider that in the absence of any formal agreement with the other authorities within the HMA to find a location to secure the delivery of these 15,916 dwellings the plan is unsound and object to the plan on this basis. As will be demonstrated below, the housing shortfall has reached critical levels across the HMA and the onus is on the authorities where the housing need cannot be met to secure the support of the authorities with land available, including those with Green Belt land, to assist.

Meeting the needs of all part of the population

The pressure to find a definitive solution to address the housing shortfall, is only further emphasised by the fact that the delivery of affordable housing on those sites within the Sandwell administrative area will fall woefully short of the affordable housing need identified. The Black Country Housing Market Assessment Report (March 2021) identified a need for 4,605 social rented properties and 1,913 shared ownership dwellings (accounting for nearly 24% of the total housing requirement. The release of Green Belt sites in the HMA to meet the overspill from both Sandwell and Dudley will deliver not only market, but much need affordable homes for those parts of the population that most need it.

Supporting Economic Growth

Delivering the right number of homes, in the right location is an important component in fostering economic growth. For Sandwell, this means securing the delivery of homes as close to and /or in locations well connected to Sandwell as possible. The obvious locations being Bromsgrove to the south and South Staffordshire to the west, when you account for the adjoining authorities not having the capacity to assist with meeting Sandwell's need. It is Bloor's view that the starting point should be sites on the edge of the conurbation to provide homes close to where the demand arises which can provide a range of homes for the existing and future workforce; supporting indigenous economic growth and inward investment opportunities.

Shortfall in housing land across the HMA

The shortfall of land for housing is not unique to Sandwell and is a long-established concern within the HMA.

Birmingham Development Plan

The Birmingham Development Plan ("BDP") was adopted in January 2017 and was the first authority in the HMA to conclude it could not meet its housing need within its administrative area. Policy PGI – Overall Levels of Growth, advised that 89,000 dwellings are required during the course of the plan period (2011 to 2031) to meet the growth requirements of the City. However, only 51,100 additional dwellings can be accommodated within the City's administrative area. This leaves a shortfall of 37,900 homes including 14,400 affordable homes (that will need to be delivered elsewhere within the Greater Birmingham Housing Market Area). The BDP stipulated that Birmingham's unmet need was to be met by other authorities in the HMA as and when they produced individual Local Plans. This has not happened.

Birmingham City Council has commenced a review of its Local Plan and consulted on Preferred Options concluding in August 2024. The Preferred Options Local Plan advised that the Standard Method housing requirement for the period 2020 to 2042 is 149,180 dwellings. The plan stated that a supply of 103,027 dwellings had been identified leaving a shortfall of 46,153 dwellings. The supply is made up of reuse of employment sites along with a number of SHLAA sites. The shortfall of 46,053 dwellings relies upon all SHLAA sites coming forward for development and the provision of a significant number of windfalls. Bloor have submitted representations to the Birmingham plan querying whether the identified supply is robust.

Black Country Core Strategy Review

Previously, the four Black Country authorities had been preparing a joint Plan although this has subsequently been abandoned in late 2022 in favour of the preparation of individual Plans for each authority. Notwithstanding the above, the Preferred Options Black Country Plan

proposed a housing requirement based upon the Standard Method which was the sum of the four individual authority housing requirements. The housing requirement for the four authorities was 76,076 dwellings, however, there was only an identified capacity of 47,837 dwellings leaving a shortfall of 28,239 dwellings to be directed to other authorities. Now, each authority will calculate its own housing requirement using the standard method calculation. Dudley has recently published a Publication Draft of its Local Plan that confirms that its housing need is 11,169 dwellings but that it only has capacity to deliver 10,470 dwellings leaving a shortfall of 699 homes. Wolverhampton also carried out Preferred Options consultation earlier in the year and they had identified a shortfall of just under 12,000 homes. Walsall is yet to publish a plan although it is anticipated that there will be a further shortfall in what is required against their capacity to meet these needs.

Total shortfall

If the housing shortfall figures in the emerging Birmingham and Wolverhampton Preferred Option plans and the shortfalls in the Dudley and Sandwell Publication Plans are added together it totals 74,768 dwellings. As noted above, this has the potential to increase even further when the shortfall arising in Walsall is added.

Objection

Bloor object to Policy SDSI on the basis that it is not positively prepared, not effective and not consistent with national policy. The policy and

approach to meeting housing needs within Sandwell will result in significant housing need going unmet leaving those in need of housing having to incur increasing costs of housing be that through purchase or renting costs, increased overcrowding and a greater number of people living in housing that is not suitable for their needs. As well as the social cost of not providing enough housing the economic impacts

of not meeting the needs of the population are potentially as significant, if not more so, if those of working age population cannot find somewhere to live in the Borough they will leave and work elsewhere. This outward migration could lead to an ageing population being left with a smaller working age population present which could impact on the delivery and provision of services. The impacts are significant and as such, the approach set out in the plan is unsound.

In order to address our concerns the Council need to establish and agree with other authorities in the HMA how and where its unmet needs are going to be met. This needs to be a tangible and workable solution as opposed to the mere suggestion of working together. Without a signed memorandum of understanding between the HMA authorities with each setting out what proportion of unmet need each is due to take there is no realistic prospect that Sandwell's housing needs are going to be met in full.

Full text:

Harris Lamb Planning Consultancy are instructed by Bloor Homes Western ("Bloor") to submit representations to the Sandwell Local Plan Publication Version and welcome the opportunity to comment at this time. We have previously submitted representations to the Preferred Options consultation version and these comments build on our previous representations. Bloor are currently promoting sites in the Housing Market Area (HMA) and whilst these are not all in Sandwell, the Sandwell Plan as drafted will have repercussions on the identification and delivering of housing across the wider HMA. It is for these reasons that Bloor now wish to submit representations to the Plan and our comments should be read with these objectives in mind.

Policy SDS1 – Spatial Strategy for Sandwell

The strategy as presented proposes to allocate 10,434 new homes in Sandwell leaving a shortfall of 15,916 dwellings that are needed but which cannot be accommodated in the Council's administrative area. This is a substantial number of homes and represents a substantial number of people and families that will go without homes should a definitive solution not be found.

Bloor consider that in the absence of any formal agreement with the other authorities within the HMA to find a location to secure the delivery of these 15,916 dwellings the plan is unsound and object to the plan on this basis. As will be demonstrated below, the housing shortfall has reached critical levels across the HMA and the onus is on the authorities where the housing need cannot be met to secure the support of the authorities with land available, including those with Green Belt land, to assist.

Meeting the needs of all part of the population

The pressure to find a definitive solution to address the housing shortfall, is only further emphasised by the fact that the delivery of affordable housing on those sites within the Sandwell administrative area will fall woefully short of the affordable housing need identified. The Black Country Housing Market Assessment Report (March 2021) identified a need for 4,605 social rented properties and 1,913 shared ownership dwellings (accounting for nearly 24% of the total housing requirement. The release of Green Belt sites in the HMA to meet the overspill from both Sandwell and Dudley will deliver not only market, but much need affordable homes for those parts of the population that most need it.

Supporting Economic Growth

Delivering the right number of homes, in the right location is an important component in fostering economic growth. For Sandwell, this means securing the delivery of homes as close to and /or in locations well connected to Sandwell as possible. The obvious locations being Bromsgrove to the south and South Staffordshire to the west, when you account for the adjoining authorities not having the capacity to assist with meeting Sandwell's need. It is Bloor's view that the starting point should be sites on the edge of the conurbation to provide homes close to where the demand arises which can provide a range of homes for the existing and future workforce; supporting indigenous economic growth and inward investment opportunities.

Shortfall in housing land across the HMA

The shortfall of land for housing is not unique to Sandwell and is a long-established concern within the HMA.

Birmingham Development Plan

The Birmingham Development Plan ("BDP") was adopted in January 2017 and was the first authority in the HMA to conclude it could not meet its housing need within its administrative area. Policy PG1 – Overall Levels of Growth, advised that 89,000 dwellings are required during the course of the plan period (2011 to 2031) to meet the growth requirements of the City. However, only 51,100 additional dwellings can be accommodated within the City's administrative area. This leaves a shortfall of 37,900 homes including 14,400 affordable homes (that will need to be delivered elsewhere within the Greater Birmingham Housing Market Area). The BDP stipulated that Birmingham's unmet need was to be met by other authorities in the HMA as and when they produced individual Local Plans. This has not happened.

Birmingham City Council has commenced a review of its Local Plan and consulted on Preferred Options concluding in August 2024. The Preferred Options Local Plan advised that the Standard Method housing requirement for the period 2020 to 2042 is 149,180 dwellings. The plan stated that a supply of 103,027 dwellings had been identified leaving a shortfall of 46,153 dwellings. The supply is made up of reuse of employment sites along with a number of SHLAA sites. The shortfall of 46,053 dwellings relies upon all SHLAA sites coming forward for development and the provision of a significant number of windfalls. Bloor have submitted representations to the Birmingham plan querying whether the identified supply is robust.

Black Country Core Strategy Review

Previously, the four Black Country authorities had been preparing a joint Plan although this has been subsequently abandoned in late 2022 in favour of the preparation of individual Plans for each authority. Notwithstanding the above, the Preferred Options Black Country Plan

proposed a housing requirement based upon the Standard Method which was the sum of the four individual authority housing requirements. The housing requirement for the four authorities was 76,076 dwellings, however, there was only an identified capacity of 47,837 dwellings leaving a shortfall of 28,239 dwellings to be directed to other authorities. Now, each authority will calculate its own housing requirement using the standard method calculation. Dudley has recently published a Publication Draft of its Local Plan that confirms that its housing need is 11,169 dwellings but that it only has capacity to deliver 10,470 dwellings leaving a shortfall of 699 homes. Wolverhampton also carried out Preferred Options consultation earlier in the year and they had identified a shortfall of just under 12,000 homes. Walsall is yet to publish a plan although it is anticipated that there will be a further shortfall in what is required against their capacity to meet these needs.

Total shortfall

If the housing shortfall figures in the emerging Birmingham and Wolverhampton Preferred Option plans and the shortfalls in the Dudley and

Sandwell Publication Plans are added together it totals 74,768 dwellings. As noted above, this has the potential to increase even further when the shortfall arising in Walsall is added.

Objection

Bloor object to Policy SDSI on the basis that it is not positively prepared, not effective and not consistent with national policy. The policy and approach to meeting housing needs within Sandwell will result in significant housing need going unmet leaving those in need of housing having to incur increasing costs of housing be that through purchase or renting costs, increased overcrowding and a greater number of people living in housing that is not suitable for their needs. As well as the social cost of not providing enough housing the economic impacts of not meeting the needs of the population are potentially as significant, if not more so, if those of working age population cannot find somewhere to live in the Borough they will leave and work elsewhere. This outward migration could lead to an ageing population being left with a smaller working age population present which could impact on the delivery and provision of services. The impacts are significant and as such, the approach set out in the plan is unsound.

In order to address our concerns the Council need to establish and agree with other authorities in the HMA how and where its unmet needs are going to be met. This needs to be a tangible and workable solution as opposed to the mere suggestion of working together. Without a signed memorandum of understanding between the HMA authorities with each setting out what proportion of unmet need each is due to take there is no realistic prospect that Sandwell's housing needs are going to be met in full.

Duty to Cooperate

Paragraph 24 of the Framework confirms that Local Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries. Paragraph 26 goes on to state that joint working should help to determine where additional infrastructure is necessary and where development needs that cannot be met wholly within a particular area could be met elsewhere. The level of unmet need arising within the HMA is one such area where the Duty to Cooperate should be employed in order to determine where this unmet need should be directed.

Having regard to the Greater Birmingham Housing Market Area there are 14 authorities within it which include Birmingham, the four Black Country authorities and 9 other surrounding authorities. In light of the shortfall arising in Birmingham, Dudley, Wolverhampton and Sandwell this effectively leaves 10 remaining authorities where the need could be distributed.

to each of the remaining authorities it is highlighted above that there is potentially a shortfall that will arise in Walsall when it comes to publish their Preferred Options Local Plan. Redditch Borough is effectively built up to its boundary and already has to look to its adjoining neighbour, Bromsgrove, in order to accommodate its housing need. It would be unable to accommodate any further unmet. Similarly, Tamworth had to look to its adjoining neighbours of Lichfield and North Warwickshire in order to meet its current housing requirement in its adopted Local Plan. It too would be unlikely to be able to accommodate any unmet need from the Sandwell. Cannock Chase's capacity is restricted due to environmental constraints including the Cannock Chase's SAC and AONB. A small part of Stratford-upon-Avon District falls within the Housing Market Area whilst North Warwickshire have previously committed to delivering 3,790 dwellings to meeting Birmingham's needs up to 2031 in its adopted Local Plan (2021). Solihull's Local Plan previously proposed to contribute approximately 2,000 dwellings to meet the needs of Birmingham although the Council has subsequently withdrawn the plan from Examination.

This effectively leaves Lichfield, South Staffordshire and Bromsgrove as the three remaining authorities that would be able to make any meaningful contribution to meeting housing needs arising in the wider HMA. However, a review of what these local authorities has been proposing to help meet the housing shortfall across the HMA falls woefully short of what is needed.

South Staffordshire have previously proposed to accommodate 4,000 dwellings to meet the needs arising in the Black Country although this was subsequently reduced to just under 700 homes when the council re consulted on a Pre-Submission draft Plan in April 2024. Lichfield were proposing around 2,000 homes before withdrawing their plan. Bromsgrove has yet to publish a draft plan and so it is yet to state how many dwellings it may be prepared to accommodate. Collectively this equates to just under 700 homes that are currently being made available to meet the unmet needs of the HMA (this may increase if Bromsgrove propose to meet some unmet need) which will fall woefully short of addressing the housing need of local people and families across the HMA.

The outcome of the above is that there is a significant unmet housing need arising principally from Birmingham, Wolverhampton and Sandwell, with Walsall also likely to add to this, and at the current time there is no agreement or clear strategy between the 14 HMA authorities as to where or how this unmet need is to be met. Furthermore, in the few authorities that have the ability to assist in meeting the overspill, full opportunity of the land available around the conurbation to assist with meeting the housing overspill is not being taken.

It is clear from the above that the emerging position across the HMA is one where there is a significant housing need that exists, but where certain authorities, such as Sandwell, cannot currently meet its needs in full. Bloor contend that these un-met needs must be met by the HMA authorities in the next round of plans that are now being prepared. If this need is not met in full, it risks giving rise to a number of significant knock on effects on the delivery and provision of housing across the greater Birmingham area. These impacts include:

- worsening affordability as demand outstrips supply,
- worsening delivery and provision of affordable housing,
- economic impacts on the working age population as those adults who are able to work may not have suitable accommodation to live in thus resulting in increased commuting distances, worsening impacts on congestion and air quality, and
- the inability to attract workers into the HMA could have significant repercussions for the wider economy if the right type of houses are not available for those wanting to live and work in the conurbation.

Objection

In light of the Council's need and the significant shortfall that the Council is faced with, Bloor do not consider that the Council has met its duty to cooperate. We urge the Council to enter into constructive and productive discussions with the other HMA authorities, including Bromsgrove, to seek agreement on how and where this unmet housing need is going to be delivered. Meeting the housing needs of the HMA cannot be achieved on an authority by authority basis and that a joined up approach that crosses administrative boundaries will be required if there is to be any chance of meeting the HMA's housing needs both in terms of quantum and the required mix, including affordable homes.

It is our view that the focus for addressing the shortfall in Sandwell should be those authorities closest to them. Bromsgrove and South Staffordshire are the closest authorities with a meaningful ability to address the shortfall and with land available adjacent to the conurbation. The Bromsgrove plan review is still at an early stage and there is still plenty of scope to hold meaningful discussions to provide land to meet the needs arising in Sandwell.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Represent Bloor Homes

Attachments:

Document Element: Duty to Co-operate

Respondent: Bloor Homes [231]

Agent: Harris Lamb (Mr John Pearce, Associate) [232]

Date received: 06/11/2024 via Email

Summary:

Duty to Cooperate

Paragraph 24 of the Framework confirms that Local Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries. Paragraph 26 goes on to state that joint working should help to determine where additional infrastructure is necessary and where development needs that cannot be met wholly within a particular area could be met elsewhere. The level of unmet need arising within the HMA is one such area where the Duty to Cooperate should be employed in order to determine where this unmet need should be directed.

Having regard to the Greater Birmingham Housing Market Area there are 14 authorities within it which include Birmingham, the four Black Country authorities and 9 other surrounding authorities. In light of the shortfall arising in Birmingham, Dudley, Wolverhampton and Sandwell this effectively leaves 10 remaining authorities where the need could be distributed.

to each of the remaining authorities it is highlighted above that there is potentially a shortfall that will arise in Walsall when it comes to publish their Preferred Options Local Plan. Redditch Borough is effectively built up to its boundary and already has to look to its adjoining neighbour, Bromsgrove, in order to accommodate its housing need. It would be unable to accommodate any further unmet. Similarly, Tamworth had to look to its adjoining neighbours of Lichfield and North Warwickshire in order to meet its current housing requirement in its adopted Local Plan. It too would be unlikely to be able to accommodate any unmet need from the Sandwell. Cannock Chase's capacity is restricted due to environmental constraints including the Cannock Chase's SAC and AONB. A small part of Stratford-upon-Avon District falls within the Housing Market Area whilst North Warwickshire have previously committed to delivering 3,790 dwellings to meeting Birmingham's needs up to 2031 in its adopted Local Plan (2021). Solihull's Local Plan previously proposed to contribute approximately 2,000 dwellings to meet the needs of Birmingham although the Council has subsequently withdrawn the plan from Examination.

This effectively leaves Lichfield, South Staffordshire and Bromsgrove as the three remaining authorities that would be able to make any meaningful contribution to meeting housing needs arising in the wider HMA. However, a review of what these local authorities has been proposing to help meet the housing shortfall across the HMA falls woefully short of what is needed.

South Staffordshire have previously proposed to accommodate 4,000 dwellings to meet the needs arising in the Black Country although this was subsequently reduced to just under 700 homes when the council re consulted on a Pre-Submission draft Plan in April 2024. Lichfield were proposing around 2,000 homes before withdrawing their plan. Bromsgrove has yet to publish a draft plan and so it is yet to state how many dwellings it may be prepared to accommodate. Collectively this equates to just under 700 homes that are currently being made available to meet the unmet needs of the HMA (this may increase if Bromsgrove propose to meet some unmet need) which will fall woefully short of addressing the housing need of local people and families across the HMA.

The outcome of the above is that there is a significant unmet housing need arising principally from Birmingham, Wolverhampton and Sandwell, with Walsall also likely to add to this, and at the current time there is no agreement or clear strategy between the 14 HMA authorities as to where or how this unmet need is to be met. Furthermore, in the few authorities that have the ability to assist in meeting the overspill, full opportunity of the land available around the conurbation to assist with meeting the housing overspill is not being taken. It is clear from the above that the emerging position across the HMA is one where there is a significant housing need that exists, but where certain authorities, such as Sandwell, cannot currently meet its needs in full. Bloor contend that these un-met needs must be met by the HMA authorities in the next round of plans that are now being prepared. If this need is not met in full, it risks giving rise to a number of significant knock on effects on the delivery and provision of housing across the greater Birmingham area. These impacts include:

- worsening affordability as demand outstrips supply,
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Objection

In light of the Council's need and the significant shortfall that the Council is faced with, Bloor do not consider that the Council has met its duty to cooperate. We urge the Council to enter into constructive and productive discussions with the other HMA authorities, including Bromsgrove, to seek agreement on how and where this unmet housing need is going to be delivered. Meeting the housing needs of the HMA cannot be achieved on an authority by authority basis and that a joined up approach that crosses administrative boundaries will be required if there is to be any chance of meeting the HMA's housing needs both in terms of quantum and the required mix, including affordable homes.

It is our view that the focus for addressing the shortfall in Sandwell should be those authorities closest to them. Bromsgrove and South Staffordshire are the closest authorities with a meaningful ability to address the shortfall and with land available adjacent to the conurbation. The Bromsgrove plan review is still at an early stage and there is still plenty of scope to hold meaningful discussions to provide land to meet the needs arising in Sandwell.

Full text:

Harris Lamb Planning Consultancy are instructed by Bloor Homes Western ("Bloor") to submit representations to the Sandwell Local Plan Publication Version and welcome the opportunity to comment at this time. We have previously submitted representations to the Preferred Options consultation version and these comments build on our previous representations. Bloor are currently promoting sites in the Housing Market Area (HMA) and whilst these are not all in Sandwell, the Sandwell Plan as drafted will have repercussions on the identification and delivering of housing across the wider HMA. It is for these reasons that Bloor now wish to submit representations to the Plan and our comments should be read with these objectives in mind.

Policy SDS1 – Spatial Strategy for Sandwell

The strategy as presented proposes to allocate 10,434 new homes in Sandwell leaving a shortfall of 15,916 dwellings that are needed but which cannot be accommodated in the Council's administrative area. This is a substantial number of homes and represents a substantial

number of people and families that will go without homes should a definitive solution not be found.

Bloor consider that in the absence of any formal agreement with the other authorities within the HMA to find a location to secure the delivery of these 15,916 dwellings the plan is unsound and object to the plan on this basis. As will be demonstrated below, the housing shortfall has

reached critical levels across the HMA and the onus is on the authorities where the housing need cannot be met to secure the support of the authorities with land available, including those with Green Belt land, to assist.

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The pressure to find a definitive solution to address the housing shortfall, is only further emphasised by the fact that the delivery of affordable housing on those sites within the Sandwell administrative area will fall woefully short of the affordable housing need identified. The Black Country Housing Market Assessment Report (March 2021) identified a need for 4,605 social rented properties and 1,913 shared ownership dwellings (accounting for nearly 24% of the total housing requirement. The release of Green Belt sites in the HMA to meet the overspill from both Sandwell and Dudley will deliver not only market, but much need affordable homes for those parts of the population that most need it.

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Previously, the four Black Country authorities had been preparing a joint Plan although this has been subsequently abandoned in late 2022 in favour of the preparation of individual Plans for each authority. Notwithstanding the above, the Preferred Options Black Country Plan

proposed a housing requirement based upon the Standard Method which was the sum of the four individual authority housing requirements. The housing requirement for the four authorities was 76,076 dwellings, however, there was only an identified capacity of 47,837 dwellings leaving a shortfall of 28,239 dwellings to be directed to other authorities. Now, each authority will calculate its own housing requirement using the standard method calculation. Dudley has recently published a Publication Draft of its Local Plan that confirms that its housing need is 11,169 dwellings but that it only has capacity to deliver 10,470 dwellings leaving a shortfall of 699 homes. Wolverhampton also carried out Preferred Options consultation earlier in the year and they had identified a shortfall of just under 12,000 homes. Walsall is yet to publish a plan although it is anticipated that there will be a further shortfall in what is required against their capacity to meet these needs.

Total shortfall

If the housing shortfall figures in the emerging Birmingham and Wolverhampton Preferred Option plans and the shortfalls in the Dudley and Sandwell Publication Plans are added together it totals 74,768 dwellings. As noted above, this has the potential to increase even further when the shortfall arising in Walsall is added.

Objection

Bloor object to Policy SDS1 on the basis that it is not positively prepared, not effective and not consistent with national policy. The policy and approach to meeting housing needs within Sandwell will result in significant housing need going unmet leaving those in need of housing having to incur increasing costs of housing be that through purchase or renting costs, increased overcrowding and a greater number of people living in housing that is not suitable for their needs. As well as the social cost of not providing enough housing the economic impacts of not meeting the needs of the population are potentially as significant, if not more so, if those of working age population cannot find somewhere to live in the Borough they will leave and work elsewhere. This outward migration could lead to an ageing population being left with a smaller working age population present which could impact on the delivery and provision of services. The impacts are significant and as such, the approach set out in the plan is unsound.

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Change suggested by respondent:

-

Legally compliant: No

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Represent Bloor Homes

Attachments:

1340

Object

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

Policy SDS1 (and SHO1) plan only for at least 10,434 net dwellings, which is far short of Sandwell's need by a massive 15,916 dwellings. We have not investigated the underlying data to these figures but are shocked by them. The implication is that Sandwell needs to export 15,916 dwellings beyond its boundary, but there is no obvious local destination for these exports:

* Dudley has recently launched a reg.19 consultation, claiming to have housing need 766 in excess of its capacity.

* South Staffordshire equally lacks capacity, and transport links from there to Sandwell are poor.

* Wolverhampton's last consultation similarly showed a deficit.

* The situation is no better in Worcestershire.

On the other hand, there may be scope for exporting housing demand to Telford or Shropshire, but these are not close to the Black Country.

The remainder of this objection is concerned with showing that Bromsgrove district is not an appropriate destination for exported housing (or employment land) need:

Green Belt

Substantially the whole of the undeveloped land in Bromsgrove district is Green Belt. It serves to keep Birmingham and the Black Country separate from the town of Bromsgrove and from the large commuter villages within Bromsgrove District, particularly Hagley, Catshill, Barnt Green, Alvechurch and Wythall, all of which have populations great enough for them to be classified as market towns in more rural regions. The two remaining larger settlements within Bromsgrove District (Cofton Hackett and Rubery) are contiguous to Birmingham and so have no Green Belt gap between them and Birmingham.

Full text:

Policy SDS1 (and SHO1) plan only for at least 10,434 net dwellings, which is far short of Sandwell's need by a massive 15,916 dwellings. We have not investigated the underlying data to these figures but are shocked by them. The implication is that Sandwell needs to export 15,916 dwellings beyond its boundary, but there is no obvious local destination for these exports:

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Regional Park

National Trust are developing the concept of a Seven Hills Regional Park, stretching from Wychbury Hill in Hagley to Weatheroak Hill in Alvechurch. I am led to believe that this is supported by Bromsgrove District Council and so expected it to be referred to in their plan, which I now expect to be consulted on in the autumn. This is an area of valued landscape. Part (at least) of it was formerly designated as a Landscape Protection Area (or such like) under planning policy of the 1990s. I therefore anticipate that the emerging Bromsgrove Plan will make some provision for its protection.

Landscape

CPRE Worcestershire commissioned research into part of the area (Clent and Lickey Hills), which provided recommendations for areas suitable to be designated as protected landscapes and additional areas to be designated as buffers to protect these. A full version of the report can be downloaded from <https://www.dropbox.com/sh/cu97th78lzka8oy/AAB8UK4FAaeXU-Ttjpic0C7la?dl=0>

Observed from the south, this is a range of hills, but from the north, the elevation above the surrounding area is rather less, because Birmingham and the Black Country occupy a plateau. It is nevertheless undesirable that Birmingham should expand to penetrate the range of hills.

Land supply

Bromsgrove's last plan was adopted with an explicit policy for a Green Belt Review to provide more land to meet its own housing land supply need. Such a review has not been completed, partly due to difficulties in obtaining evidence on subjects for which Worcestershire County Council was responsible and partly because Redditch's plan (examined and adopted at the same time) estimated a housing need considerably in excess of the need estimated under the Standard Methodology. This meant that land on the edge of Redditch released by Bromsgrove from its Green Belt for the alleged needs of Redditch was not needed for them and could instead supply Bromsgrove's own needs. It nevertheless remains the case that Bromsgrove has scope to meet part of Birmingham's land deficit.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1341

Comment

Document Element: Policy SNE5 - The Rowley Hills

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

4.86 It would be useful if the date of the West Midlands Structure Plan that designated RHSOS could be inserted, as this would add to the clarity of the paragraph. That this has been a longstanding designation adds weight to its importance. Its origin was clearly before 1988, making this an unusually old designation.

Full text:

4.86 It would be useful if the date of the West Midlands Structure Plan that designated RHSOS could be inserted, as this would add to the clarity of the paragraph. That this has been a longstanding designation adds weight to its importance. Its origin was clearly before 1988, making this an unusually old designation.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1342

Comment

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

We welcome the target being expressed as “at least” 10,064 houses in SDS. 1a. CPRE strongly supports the urban regeneration and the reuse of brownfield sites for housing, such as redundant employment sites, and more mixed-use developments with housing included. This is the most sustainable option and provides houses where they are needed for the people who need them most. This includes windfall sites, which result from the development ‘churn’ in large urban areas, which is often under-estimated. We do not have the capacity to examine the housing supply figures in detail but we suspect that there is more capacity that can be found from redundant space in town centres and by the release of redundant small industrial sites for housing, particularly in areas where this is a non-conforming use.

We are however concerned at the enormous amount of housing and employment land that Sandwell plans to export to other areas. It is difficult to see where such need might be met. Birmingham appears to have about enough land for its own needs; Dudley not quite enough. Wolverhampton and Walsall also have difficulties in meeting their own needs. South Staffordshire has submitted a plan that provides very limited amounts of land for others' needs, and the parts of that district near the Black Country are all within the Green Belt (other than built up areas). Similarly undeveloped land in the nearest Worcestershire districts are within the Green Belt. On the other hand, Shropshire and Telford seem to be planning for considerably more housing than their Objectively Assessed Need, but this is all a long way from Sandwell.

Full text:

We welcome the target being expressed as “at least” 10,064 houses in SDS. 1a. CPRE strongly supports the urban regeneration and the reuse of brownfield sites for housing, such as redundant employment sites, and more mixed-use developments with housing included. This is the most sustainable option and provides houses where they are needed for the people who need them most. This includes windfall sites, which result from the development ‘churn’ in large urban areas, which is often under-estimated. We do not have the capacity to examine the housing supply figures in detail but we suspect that there is more capacity that can be found from redundant space in town centres and by the release of redundant small industrial sites for housing, particularly in areas where this is a non-conforming use.

We are however concerned at the enormous amount of housing and employment land that Sandwell plans to export to other areas. It is difficult to see where such need might be met. Birmingham appears to have about enough land for its own needs; Dudley not quite enough. Wolverhampton and Walsall also have difficulties in meeting their own needs. South Staffordshire has submitted a plan that provides very limited amounts of land for others' needs, and the parts of that district near the Black Country are all within the Green Belt (other than built up areas). Similarly undeveloped land in the nearest Worcestershire districts are within the Green Belt. On the other hand, Shropshire and Telford seem to be planning for considerably more housing than their Objectively Assessed Need, but this is all a long way from Sandwell.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1343

Comment

Document Element: Sandwell Spatial Portrait

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

There is a factual inaccuracy in paragraph 37 (p.17). This confuses the Soho Factory (1761) in Handsworth (now in Birmingham) with the Soho Foundry (and engine manufactory) at Smethwick, built in 1795-8, when the patents under which Boulton and Watt operated were on the point of expiring: see G. Demidowicz, "The Soho Manufactory, Mint and Foundry: where Boulton, Watt, and Murdoch made history" (English Heritage 2022). This can be corrected by substituting "Foundry" for "Factory" and 1795-8 for 1761. When this is referred to again at 3.50, the nomenclature is correct.

Full text:

There is a factual inaccuracy in paragraph 37 (p.17). This confuses the Soho Factory (1761) in Handsworth (now in Birmingham) with the Soho Foundry (and engine manufactory) at Smethwick, built in 1795-8, when the patents under which Boulton and Watt operated were on the point of expiring: see G. Demidowicz, "The Soho Manufactory, Mint and Foundry: where Boulton, Watt, and Murdoch made history" (English Heritage 2022). This can be corrected by substituting "Foundry" for "Factory" and 1795-8 for 1761. When this is referred to again at 3.50, the nomenclature is correct.

Change suggested by respondent:

This can be corrected by substituting "Foundry" for "Factory" and 1795-8 for 1761.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1344

Comment

Document Element: Policy SHO6 - Protecting Family Housing (Use Class C3)

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

Paragraph 7.45 quotes data from the housing register, but this dataset has a bias towards those seeking smaller rented properties to avoid the so-called "bedroom tax". This is probably not a representative sample of the whole population. This bias should be explained in the supporting text, so that excessive reliance is not placed on data from an unrepresentative sample.

Full text:

Paragraph 7.45 quotes data from the housing register, but this dataset has a bias towards those seeking smaller rented properties to avoid the so-called "bedroom tax". This is probably not a representative sample of the whole population. This bias should be explained in the supporting text, so that excessive reliance is not placed on data from an unrepresentative sample.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

1345

Support

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

We welcome the retention of the current Green Belt (SDS.1h and SDS7). Sandwell has very small amounts of this, but it is important to preserve what little there is preserved. The Sandwell valley keeps separate the towns of West Bromwich and Wednesbury from Handsworth and Hamstead, mostly in Birmingham. Other areas of Green Belt are hill summits, which inevitably have an important landscape function. Others are used as Nature Reserves or for sporting facilities, whose preservation is important for other reasons, including geological interest. We note that there are more specific policies as to the Sandwell Valley and Rowley Hills later in the plan: a cross-reference to these would be useful.

Full text:

We welcome the retention of the current Green Belt (SDS.1h and SDS7). Sandwell has very small amounts of this, but it is important to preserve what little there is preserved. The Sandwell valley keeps separate the towns of West Bromwich and Wednesbury from Handsworth and Hamstead, mostly in Birmingham. Other areas of Green Belt are hill summits, which inevitably have an important landscape function. Others are used as Nature Reserves or for sporting facilities, whose preservation is important for other reasons, including geological interest. We note that there are more specific policies as to the Sandwell Valley and Rowley Hills later in the plan: a cross-reference to these would be useful.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1346

Comment

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SCC1 is expressed in general terms, which probably encompass the following, but specific encouragement for the use of rooftop photovoltaic cells, ground source heat pumps and such like would be welcome, perhaps in the accompanying narrative, rather than in the policy itself. This also applies to SCC2 and SCC3.

Full text:

SCC1 is expressed in general terms, which probably encompass the following, but specific encouragement for the use of rooftop photovoltaic cells, ground source heat pumps and such like would be welcome, perhaps in the accompanying narrative, rather than in the policy itself. This also applies to SCC2 and SCC3.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1347

Comment

Document Element: Policy SDS6 - Cultural Facilities and the Visitor Economy

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SDS6.6b We are a little concerned that this may open the door to some undesirable proposals that would lose valuable cultural facilities (such as churches and community centres). If they are indeed redundant, they should be redeveloped, but if they are or can be used for their existing purpose or a similar one, this should be supported in preference to (say) redevelopment for housing, which some developer might argue to provide community benefit in dealing with the housing shortage. We would hope that the other paragraphs of SDS6.6 would provide a means of refusing inappropriate proposals, but remain worried and would prefer to see something more explicit.

Full text:

SDS6.6b We are a little concerned that this may open the door to some undesirable proposals that would lose valuable cultural facilities (such as churches and community centres). If they are indeed redundant, they should be redeveloped, but if they are or can be used for their existing purpose or a similar one, this should be supported in preference to (say) redevelopment for housing, which some developer might argue to provide community benefit in dealing with the housing shortage. We would hope that the other paragraphs of SDS6.6 would provide a means of refusing inappropriate proposals, but remain worried and would prefer to see something more explicit.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1348

Comment

Document Element: Policy SCE1 - Sandwell's Centres

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SCE Policies

- SCE1/Table 12 The inclusion of a Hagley Road West (at Hollybush), Abbey Road as local centres is justified, but since these appear to be newly identified, there should be a paragraph justifying this.
- It would also be helpful if there were detailed plans showing the boundaries of the various tier 3 centres, not just tiers 1 and 2.
- We support the objectives of paragraphs 9.20-21. We have probably reached peak in-person retail, as on-line becomes more important. The time for LPAs to plan for increased retail areas has therefore ended. If anything, the Council should be planning for retail decline and ensuring that vacant space can be used for alternative purposes.
- We are concerned that the Centres uses (except at West Bromwich) do not seem to include the possibility of residential development above or behind premises with Class E or other centres uses. A study (Chilmark) for another part of the Black Country suggested that there was significant potential capacity for residential use within centres, without compromising their primary role, also where retail decline leads to vacant space.

Full text:

SCE Policies

- SCE1/Table 12 The inclusion of a Hagley Road West (at Hollybush), Abbey Road as local centres is justified, but since these appear to be newly identified, there should be a paragraph justifying this.
- It would also be helpful if there were detailed plans showing the boundaries of the various tier 3 centres, not just tiers 1 and 2.
- We support the objectives of paragraphs 9.20-21. We have probably reached peak in-person retail, as on-line becomes more important. The time for LPAs to plan for increased retail areas has therefore ended. If anything, the Council should be planning for retail decline and ensuring that vacant space can be used for alternative purposes.
- We are concerned that the Centres uses (except at West Bromwich) do not seem to include the possibility of residential development above or behind premises with Class E or other centres uses. A study (Chilmark) for another part of the Black Country suggested that there was significant potential capacity for residential use within centres, without compromising their primary role, also where retail decline leads to vacant space.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1349

Comment

Document Element: Policy SCC5 – Flood Risk

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SCC5.6a.iii The word easement is being misused. The word refers to a right over another person's ground for a way, to lay a pipe, etc. What seems to be intended is that there should be a suitable margin alongside the culvert. The subject matter seems to be culverted natural watercourse which run as a matter of right, not by virtue of any person having an easement.

Full text:

SCC5.6a.iii The word easement is being misused. The word refers to a right over another person's ground for a way, to lay a pipe, etc. What seems to be intended is that there should be a suitable margin alongside the culvert. The subject matter seems to be culverted natural watercourse which run as a matter of right, not by virtue of any person having an easement.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1350

Comment

Document Element: 4. Sandwell's Natural and Historic Environment

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

The SHE polices generally are welcome, but we suspect we detect a lacuna: there should be a policy that historic buildings that can no longer fulfil their original function should, as a first preference be found a new use and converted to that. This may be implicit in the policies, but we would like to see something more explicit. The current policies may depend on a building appearing on the Local List. Our experience is that such lists are often somewhat deficient.

Full text:

The SHE polices generally are welcome, but we suspect we detect a lacuna: there should be a policy that historic buildings that can no longer fulfil their original function should, as a first preference be found a new use and converted to that. This may be implicit in the policies, but we would like to see something more explicit. The current policies may depend on a building appearing on the Local List. Our experience is that such lists are often somewhat deficient.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1351

Comment

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SDS7 We would like to see as more specific provision that arrays of solar panels on Green Belt land are unacceptable. Alternatively, that might be added to the more specific policies on the Sandwell Valley and Rowley Hills.

Full text:

SDS7 We would like to see as more specific provision that arrays of solar panels on Green Belt land are unacceptable. Alternatively, that might be added to the more specific policies on the Sandwell Valley and Rowley Hills.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1352

Comment

Document Element: Policy SDS4 – Towns and Local Areas

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SDS4.1a The figure of 474 houses seems too precise. In the light of the Chilmark study of Bilston suggesting under-identification of housing capacity, we would suggest the figure should be “at least 470”, in the hope that detailed planning can deliver more.

Full text:

SDS4.1a The figure of 474 houses seems too precise. In the light of the Chilmark study of Bilston suggesting under-identification of housing capacity, we would suggest the figure should be “at least 470”, in the hope that detailed planning can deliver more.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1353

Comment

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SDS7.4 Sandwell's Green Belt (our preferred capitalisation) is limited in extent, which makes its preservation all the more important. We are concerned that the qualification of what buildings are suitable for conversion or reuse should only be a footnote (57). We would prefer to see an explicit statement that buildings such as timber stables, and sheds (barns, etc) which are steel-framed and covered in metal or other sheeting are not regarded as of substantial construction.

Full text:

SDS7.4 Sandwell's Green Belt (our preferred capitalisation) is limited in extent, which makes its preservation all the more important. We are concerned that the qualification of what buildings are suitable for conversion or reuse should only be a footnote (57). We would prefer to see an explicit statement that buildings such as timber stables, and sheds (barns, etc) which are steel-framed and covered in metal or other sheeting are not regarded as of substantial construction.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1354

Comment

Document Element: Policy SHO4 - Affordable Housing

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SHO4

- As with SHO3.2-3 thresholds of 10 homes give undesirable perverse incentives to developers to develop sites of 9 houses.
- The targets for affordable housing are very low. Evidence was given by Birmingham Council about 15 years ago that they were achieving 40% affordable housing. Subsequent experience suggests that this may be a little high, with 35% more deliverable, as long as a proportion of these are shared ownership. It is claimed there is a housing crisis in this country, but really the shortage is of houses to rent. There may need to be a lower target for some difficult sites, for example where significant remediation of polluted land is required. A better policy would be 35% on all sites with the ability for developers to negotiate this down for sites which would be unviable at that level. A threshold of 10 houses would be appropriate where the target is 10% affordable, but where it is 25% affordable the appropriate threshold is four and for 35% affordable three. Paras 7.25-7 seek to justify this policy, but they seem to contradict the HMA requirement of about 33% affordable (of various tenures).

Full text:

SHO4

- As with SHO3.2-3 thresholds of 10 homes give undesirable perverse incentives to developers to develop sites of 9 houses.
- The targets for affordable housing are very low. Evidence was given by Birmingham Council about 15 years ago that they were achieving 40% affordable housing. Subsequent experience suggests that this may be a little high, with 35% more deliverable, as long as a proportion of these are shared ownership. It is claimed there is a housing crisis in this country, but really the shortage is of houses to rent. There may need to be a lower target for some difficult sites, for example where significant remediation of polluted land is required. A better policy would be 35% on all sites with the ability for developers to negotiate this down for sites which would be unviable at that level. A threshold of 10 houses would be appropriate where the target is 10% affordable, but where it is 25% affordable the appropriate threshold is four and for 35% affordable three. Paras 7.25-7 seek to justify this policy, but they seem to contradict the HMA requirement of about 33% affordable (of various tenures).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1355

Support

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 04/11/2024 via Email

Summary:

SHO3.5 is welcome. There needs to be scope for permitting some larger houses in modest numbers to meet the needs of large families, but this is probably covered by the inclusion of the word "disproportionate".

Full text:

SHO3.5 is welcome. There needs to be scope for permitting some larger houses in modest numbers to meet the needs of large families, but this is probably covered by the inclusion of the word "disproportionate".

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1356

Comment

Document Element: Policy SID2 – Digital Infrastructure

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SID2 High speed internet access is highly necessary for almost all premises. A mere statement of what will be available at first occupation should be inadequate. Proposals intending not to provide state-of-the-art access should be required to provide robust justification for not doing so, though there will be some buildings where this is obviously unnecessary. It is generally cheaper to provide this as part of construction than to retrofit it subsequently.

Full text:

SID2 High speed internet access is highly necessary for almost all premises. A mere statement of what will be available at first occupation should be inadequate. Proposals intending not to provide state-of-the-art access should be required to provide robust justification for not doing so, though there will be some buildings where this is obviously unnecessary. It is generally cheaper to provide this as part of construction than to retrofit it subsequently.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1357

Comment

Document Element: Policy SHW6 - Allotments

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SHW6.2 In many urban areas, there are waiting lists for allotments. We do not know if this applies to Sandwell. We are therefore suspicious of the potential of paying a contribution in lieu of actual provision, which is liable to lead to the erosion of the area available for use as allotments.

Full text:

SHW6.2 In many urban areas, there are waiting lists for allotments. We do not know if this applies to Sandwell. We are therefore suspicious of the potential of paying a contribution in lieu of actual provision, which is liable to lead to the erosion of the area available for use as allotments.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1358

Comment

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SHW4 We welcome the reference to unrestricted open space. However further provisions are desirable:

- Wherever possible open space should be land that can be used for some kind of recreation. Thus, land at road junctions that cannot be used because it is too close to roads is probably not suitable.
- We have come across cases where a developer of a large estate provides open space restricted to the residents of that estate, who are charged for its maintenance through a service charge. This should be unacceptable, because the residents will be paying twice of open space provision, both through their Council Tax and a service charge.

Full text:

SHW4 We welcome the reference to unrestricted open space. However further provisions are desirable:

- Wherever possible open space should be land that can be used for some kind of recreation. Thus, land at road junctions that cannot be used because it is too close to roads is probably not suitable.
- We have come across cases where a developer of a large estate provides open space restricted to the residents of that estate, who are charged for its maintenance through a service charge. This should be unacceptable, because the residents will be paying twice of open space provision, both through their Council Tax and a service charge.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1359

Comment

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SHO9 It is our view that Travellers (of all kinds) have as much right to a settled home as the settled community, no greater and no less. We have periodically been concerned in cases where the needs of a traveller are set against other policies such as Green Belt to imply that the Traveller is in a different (better) position to claim to be able to set up a home in the Green Belt. It is accordingly desirable that the principle of equality of right should be explicitly stated. This is necessary because new Travellers' sites often start as development undertaken in breach of planning control, sometimes with development taking place over a long holiday weekend.

Para 7.77 refers to Table 9. We think Table 11 is meant.

Full text:

SHO9 It is our view that Travellers (of all kinds) have as much right to a settled home as the settled community, no greater and no less. We have periodically been concerned in cases where the needs of a traveller are set against other policies such as Green Belt to imply that the Traveller is in a different (better) position to claim to be able to set up a home in the Green Belt. It is accordingly desirable that the principle of equality of right should be explicitly stated. This is necessary because new Travellers' sites often start as development undertaken in breach of planning control, sometimes with development taking place over a long holiday weekend.

Para 7.77 refers to Table 9. We think Table 11 is meant.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1360

Comment

Document Element: Policy SHO6 - Protecting Family Housing (Use Class C3)

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SHO6 The target of this policy is unclear: it appears to be about the division of houses into self-contained apartments; conversion to HMOs is dealt with in SHO7 and all provisions as to houses becoming HMOs should appear there.

- There will be family homes occupying large plots where demolition and redevelopment with a greater density is desirable, as a means of meeting the shortfall in housing land supply. Such developments will probably constitute windfalls.
- SHO6.1c may allow this but is expressed in a convoluted and obscure manner. It would be better if the policy were explicitly that a family home can be lost if the site is intended for redevelopment to provide a greater number of homes, of types and tenures provided for by other policies.

Full text:

SHO6 The target of this policy is unclear: it appears to be about the division of houses into self-contained apartments; conversion to HMOs is dealt with in SHO7 and all provisions as to houses becoming HMOs should appear there.

- There will be family homes occupying large plots where demolition and redevelopment with a greater density is desirable, as a means of meeting the shortfall in housing land supply. Such developments will probably constitute windfalls.
- SHO6.1c may allow this but is expressed in a convoluted and obscure manner. It would be better if the policy were explicitly that a family home can be lost if the site is intended for redevelopment to provide a greater number of homes, of types and tenures provided for by other policies.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1361

Comment

Document Element: Policy SNE6 – Canals

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SNE6.4-6 The thrust of this policy is welcome, but we wonder if it is so wide-ranging as to be over-restrictive on developers. Some factories formerly had a private canal arm, providing access from it to the canal network. These have often been filled in or otherwise removed, long since during previous redevelopment. We wonder if such need preservation, rather than being archaeologically recorded under SHE1.6 (as a non-designated heritage asset) during the development process.

Full text:

SNE6.4-6 The thrust of this policy is welcome, but we wonder if it is so wide-ranging as to be over-restrictive on developers. Some factories formerly had a private canal arm, providing access from it to the canal network. These have often been filled in or otherwise removed, long since during previous redevelopment. We wonder if such need preservation, rather than being archaeologically recorded under SHE1.6 (as a non-designated heritage asset) during the development process.

In some cases, a term will be defined in the document, in which case the glossary can refer to the policy or paragraph defining it, rather than repeating the definition. In others, the definition may be in NPPF or elsewhere, in which case the definition should probably be copied, but giving a cross-reference to the source.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1362

Comment

Document Element: Policy SNEI – Nature Conservation

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SNEI.5 The policy should be amended to require enhancements to wildlife corridors, for example by improving their connectivity, rather than merely prohibiting development from impeding them. This may be limited to sites lying in proximity to wildlife corridors and other such sites.

Full text:

SNEI.5 The policy should be amended to require enhancements to wildlife corridors, for example by improving their connectivity, rather than merely prohibiting development from impeding them. This may be limited to sites lying in proximity to wildlife corridors and other such sites.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1363

Comment

Document Element: Policy SMI2 - Managing the Effects of Mineral Development

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SMI2.3 The “consideration zones around Coneygre and Blackham mines” appears to be an unexplained term. We suspect this refers to underground limestone workings. We heard many years ago of a case of subsidence which was due to the failure of 5 pillars in one of these mines, but the policy at present seems to lack justification within the Plan and an appropriate explanation is needed, together with a definition or explanation of the Consideration Zone. We note the name Blackham appears nowhere else in the Plan and Coneygre only in one other place, referring to an industrial estate, possibly the one where the pillars failed. If what we suspect is correct, this is a case of unstable land, which might be better dealt with as part of SCO3.

The solution to this issue is probably to cite some external document (which should be included in supporting evidence), explaining the issue. This is no doubt familiar to Sandwell planners and the current landowner, but probably not to the public generally.

Full text:

SMI2.3 The “consideration zones around Coneygre and Blackham mines” appears to be an unexplained term. We suspect this refers to underground limestone workings. We heard many years ago of a case of subsidence which was due to the failure of 5 pillars in one of these mines, but the policy at present seems to lack justification within the Plan and an appropriate explanation is needed, together with a definition or explanation of the Consideration Zone. We note the name Blackham appears nowhere else in the Plan and Coneygre only in one other place, referring to an industrial estate, possibly the one where the pillars failed. If what we suspect is correct, this is a case of unstable land, which might be better dealt with as part of SCO3.

The solution to this issue is probably to cite some external document (which should be included in supporting evidence), explaining the issue. This is no doubt familiar to Sandwell planners and the current landowner, but probably not to the public generally.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1364

Comment

Document Element: Policy SM11 - Minerals Safeguarding

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

SM11 is fine in theory, but there are no mineral extraction sites. Unless some new economically important mineral is discovered, it seems unlikely that any will take place in future. This reflects the extent to which coal, iron ore and fireclay were worked up to the 20th century, with mines in the core of the coalfield being abandoned in about 1905 when the South Staffordshire Mine Drainage Commission was unable to keep the mines free of water. This means that the requirement of a mineral safeguarding statement for sites over 5 ha is a piece of pointless bureaucracy. There have been cases where extracting pillars of thick coal by open cast mining and then refilling the resultant hole were economically viable, but with the move away from coal as an energy source and the quashing of the planning permission for the West Cumbria Coal Mine, the possibility of working any remaining coal seems remote. Accordingly, we would question the requirement for mineral safeguarding statements for any site.

Full text:

SM11 is fine in theory, but there are no mineral extraction sites. Unless some new economically important mineral is discovered, it seems unlikely that any will take place in future. This reflects the extent to which coal, iron ore and fireclay were worked up to the 20th century, with mines in the core of the coalfield being abandoned in about 1905 when the South Staffordshire Mine Drainage Commission was unable to keep the mines free of water. This means that the requirement of a mineral safeguarding statement for sites over 5 ha is a piece of pointless bureaucracy. There have been cases where extracting pillars of thick coal by open cast mining and then refilling the resultant hole were economically viable, but with the move away from coal as an energy source and the quashing of the planning permission for the West Cumbria Coal Mine, the possibility of working any remaining coal seems remote. Accordingly, we would question the requirement for mineral safeguarding statements for any site.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1367

Comment

Document Element: APPENDIX O – Glossary

Respondent: Campaign to Protect Rural England West Midlands Group (Dr Peter King) [213]

Date received: 05/11/2024 via Email

Summary:

The Plan lacks the glossary, usually found in such plans. In the course of the Plan many technical planning terms are used. Some derive from the Plan itself; others from NPPF or wider planning practice. The Plan is intended to be usable by those of the general public who wish to make or object to planning applications. It is therefore important that the Plan should contain a glossary, so that members of the public can understand the terms used.

In some cases, a term will be defined in the document, in which case the glossary can refer to the policy or paragraph defining it, rather than repeating the definition. In others, the definition may be in NPPF or elsewhere, in which case the definition should probably be copied, but giving a cross-reference to the source.

Full text:

The Plan lacks the glossary, usually found in such plans. In the course of the Plan many technical planning terms are used. Some derive from the Plan itself; others from NPPF or wider planning practice. The Plan is intended to be usable by those of the general public who wish to make or object to planning applications. It is therefore important that the Plan should contain a glossary, so that members of the public can understand the terms used.

In some cases, a term will be defined in the document, in which case the glossary can refer to the policy or paragraph defining it, rather than repeating the definition. In others, the definition may be in NPPF or elsewhere, in which case the definition should probably be copied, but giving a cross-reference to the source.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1580

Comment

Document Element: 1. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

The Trust has no further additions to make to its Regulation 18 observations.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, “To be delivered through the reasonable use of planning conditions or S106/CIL obligations.” (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

1581

Comment

Document Element: 2. Spatial Strategy

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter’s Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

Document Element: 2. Spatial Strategy

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and

structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The

Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1583

Comment

Document Element: Policy SDS5 - Achieving Well-designed Places

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1584

Comment

Document Element: Policy SDS6 - Cultural Facilities and the Visitor Economy

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1585

Comment

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

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Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

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The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

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The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

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See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

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Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

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The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

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In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour

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In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c)

specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

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Delivery, Monitoring, and Implementation

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Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

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APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

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The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

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The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1587

Comment

Document Element: Policy SNE6 – Canals

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1588

Comment

Document Element: Policy SHE2 – Development in the Historic Environment

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) –

Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, "The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, "The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations.' (ACTION REQUEST)."

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST)."

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the

canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall

Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1589

Comment

Document Element: 5. Climate Change

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the

canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: Policy SCC5 – Flood Risk

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, “To be delivered through the reasonable use of planning conditions or S106/CIL obligations.” (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: Policy SCC6 - Sustainable drainage

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating

and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall

Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 6. Health and Wellbeing in Sandwell

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) –

Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, "The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, "The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations.' (ACTION REQUEST)."

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST)."

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the

canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall

Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1593

Comment

Document Element: 7. Sandwell's Housing

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the

Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of ‘the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes’ within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network

within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make

on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 8. Sandwell's Economy

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning

applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

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The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

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See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of

Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy

SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 9. Sandwell's Centres

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over

2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

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See also comments on Appendix E and Appendix F below.”

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14. Development Constraints and Industrial Legacy

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Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

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15. Development Management

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In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 10. West Bromwich

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over

2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

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The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

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The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated

sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of

Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 11. Transport

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

11. Transport

The Trust previously advised that, "The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

Full text:

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The Trust has no further additions to make to its Regulation 18 observations.

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The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

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We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

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Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

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The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

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Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

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We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 12. Infrastructure and Delivery

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

12. Infrastructure and Delivery

The Trust previously advised, "The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations.' (ACTION REQUEST)."

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) –

Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-

application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application->

advice (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c)

specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile

canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1599

Comment

Document Element: 13. Waste and Minerals

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell’s canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over

2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated

sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of

Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 14. Development Constraints and Industrial Legacy

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST)."

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of

Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The

Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 15. Development Management

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

15. Development Management

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in

priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning

applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, "The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, "The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations.' (ACTION REQUEST)."

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST)."

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of

Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

Document Element: 16. Delivery, Monitoring, and Implementation

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, "the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands."

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) –

Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-

application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application->

advice (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c)

specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile

canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1603

Comment

Document Element: APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell’s canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or SI06/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1604

Comment

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and

structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

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Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

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We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

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See also comments on Appendix C below.”

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The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

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Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

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See also comments on Appendix E and Appendix F below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

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15. Development Management

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In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile

canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter’s Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed.

Attachments:

1605

Comment

Document Element: APPENDIX C - Employment

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX C – Employment Allocations – vacant land

SECI-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis

have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).”

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

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See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

Document Element: West Bromwich Masterplan[1] extract

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the 'key issues addressed in the SLP' but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell's Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

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We note the inclusion of 'blue-green infrastructure' within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD's, as they progress.

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Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

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In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

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The Trust reiterates this previous advice.

Errata Sheet

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APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

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APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

Document Element: APPENDIX E - Strategic Waste Sites

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell’s canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of ‘the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and

structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application->

advice (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, "The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement."

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, "The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, 'To be delivered through the reasonable use of planning conditions or S106/CIL obligations.' (ACTION REQUEST)."

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST)."

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, "The Trust is content that canal-specific implications arising from the Council's draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile

canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter’s Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

1608

Comment

Document Element: APPENDIX F - Minerals

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell’s canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell.”

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, “is content that canal-specific implications arising from the Council’s draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or SI06/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, “The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).”

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, “The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, “The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.” The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, “The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: Attend the Examination Inquiry as needed

Attachments:

Document Element: APPENDIX G – Site allocations - changes

Respondent: Canal and River Trust (Mrs Tracy Humphreys, Area Planner - West Midlands) [12]

Date received: 12/11/2024 via Email

Summary:

APPENDIX G – Site allocations - changes

We previously advised, “The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

Full text:

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell’s Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, “the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell’s canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of 'the canal network and its associated infrastructure, surviving canalside pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes' within Policy SHE2 5(e) – Development in the Historic Environment.

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially rewritten.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation to the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

8. Sandwell's Economy

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, "is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted preapplication enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below.”

We note that in places the canal network is now identified within ‘Areas of High Historic Townscape Value’ designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, “The Section contains a number of polices in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).

Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, “The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests ongoing engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-wereinterested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, “The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific polices identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST).

The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the

canal network (ACTION REQUEST)."

We note that reference to our network is added into Policy SDMI (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, "The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan's suite of policies (ACTION REQUEST).

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST)."

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, "The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST)."

The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation. We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, "The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable." The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, "The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable."

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, "The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality."

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell’s Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: attend the Examination Inquiry as needed

Attachments:

1548

Object

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: Churchill Living [333]

Agent: Planning Issues (Lauren Bishop) [332]

Date received: 11/11/2024 via Email

Summary:

SCC1

The Councils commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCC1.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCC1 of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

o.ukThis is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCC1 must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCC1 have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

Full text:

SCC1

The Councils commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCC1.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCC1 of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

o.uk This is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCC1 must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that

this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCC1 have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment. We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasingOffering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

“Proposals for specific forms of housing including children’s homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ...”

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

“Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SHO4 - Affordable Housing
 Respondent: Churchill Living [333]
 Agent: Planning Issues (Lauren Bishop) [332]
 Date received: 11/11/2024 via Email

Summary:

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal

inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

Full text:

SCCI

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCCI.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCCI of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

This is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCCI must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

"The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan" (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCCI have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCCI. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCCI are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCCI. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCCI on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCCI.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have

set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

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Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

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Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in

September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasingOffering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”.

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

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Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

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We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

“Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHO10 - Housing for people with specific needs

Respondent: Churchill Living [333]

Agent: Planning Issues (Lauren Bishop) [332]

Date received: 11/11/2024 via Email

Summary:

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

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Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

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The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

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Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

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Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

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Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal

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Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

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RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

Full text:

SCCI

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCCI.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCCI of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

This is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCCI must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

"The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan" (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCCI have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCCI. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCCI are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCCI. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCCI on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCCI.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have

set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in

September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasingOffering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”.

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

“Proposals for specific forms of housing including children's homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ...”

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

“Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

1449

Support

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Mr John Davison [192]

Date received: 10/11/2024 via Web

Summary:

Section 11 (SNE2) adds a proviso 'major developments'. I think the 'major' should be taken out. If left in, there could be court cases, challenges etc

To include swift bricks is not a big deal. Should just be the norm. The 'guidance' NPPG seems not to divide amongst 'major'.

I used to be on the Sandwell Walking Forum and really urge measures to 'green' the urban environment.

Full text:

Section 11 (SNE2) adds a proviso 'major developments'. I think the 'major' should be taken out. If left in, there could be court cases, challenges etc

To include swift bricks is not a big deal. Should just be the norm. The 'guidance' NPPG seems not to divide amongst 'major'.

I used to be on the Sandwell Walking Forum and really urge measures to 'green' the urban environment.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Sorry. I am not sure - Local Plan consultation ?

Appear exam: Not specified

Attachments:

Document Element: Duty to Co-operate

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the approach taken is legally compliant and sound. Support the principle of apportioning the housing contributions between individual local authorities and the principle of addressing the employment land shortfalls via the Black Country FEMA. Whilst we are supportive of the approach taken to date, note that at this stage Statements of Common Ground are still to be agreed, including the methodology for apportioning housing supply contributions. Dudley MBC would wish to appear at the Examination to discuss matters arising around Duty to Co-operate and Statements of Common Ground if the position in the current Local Plan changes.

Full text:

The Local Plan (at paragraph 3.15) identifies that Sandwell's unmet housing and employment land needs will need to be provided for across the Housing Market Area (HMA), Functional Economic Market Area (FEMA) and other areas with which Sandwell has a physical or functional relationship. This will be addressed under the Duty to Cooperate.

Paragraphs 15-18 of the Local Plan refer to the ongoing work under the Duty to Cooperate with further information contained in the supporting Duty to Cooperate Statement (September 2024). Dudley MBC considers the approach taken via the Local Plan process is legally compliant and sound.

Dudley MBC supports the Local Plan references to the ongoing work under the Duty to Cooperate to address the housing and employment land shortfalls identified across the Black Country Authorities to date. Dudley MBC has identified its own housing and employment land supply shortfalls within the Regulation 19 Dudley Local Plan (October 2024) which will also need to be provided for across the HMA and FEMA (Dudley MBC is therefore unable to contribute to the housing and employment land shortfalls of other local authorities). Dudley MBC and Sandwell MBC continue to engage and work jointly on the preparation of the Statements of Common Ground referenced in the Local Plan (and in the supporting Duty to Cooperate Statement (September 2024)).

Dudley MBC supports the principle of apportioning the housing contributions between individual local authorities within the HMA. As set out within the supporting Duty to Cooperate Statement (September 2024) the methodology for apportionment is in the process of being agreed. Dudley MBC supports the principle of addressing the employment land shortfalls via the Black Country FEMA.

Dudley MBC agrees that Table 1 sets out the current position in relation to potential housing and employment land contributions for the Black Country Authorities. We would note that the employment land contribution from Shropshire would not be disaggregated between the Black Country Authorities (as per the approach to the South Staffordshire employment land contribution).

Whilst we are supportive of the Local Plan approach taken to date, and the current commitment to agreeing the methodology for apportionment, we also note that at this stage of the Plan process Statements of Common Ground are still to be agreed, including the methodology for apportioning housing supply contributions. As such Dudley MBC would wish to appear at the Examination to discuss any matters arising around the Duty to Co-operate and Statements of Common Ground in relation to housing and employment land contributions, particularly if the position as set out in the current Local Plan changes going forward.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1461

Support

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. The key principles of the policy are supported, including delivering as much new development as possible on previously developed land and on sites within the urban area (including appropriate greenfield sites) and increasing densities. The approach taken by the Council for identifying land supply within the borough to date is supported. Sandwell MBC should continue to keep its urban capacity under review to identify any further opportunities for new development.

Full text:

Dudley MBC considers the policy to be sound. The key principles of the policy are supported by Dudley MBC, including delivering as much new development as possible on previously developed land and on sites within the urban area (including appropriate greenfield sites) and increasing densities. Dudley MBC is supportive of Sandwell MBC maximising its urban area supply to meet its own growth needs as far as possible, and the approach taken by the Council for identifying land supply within the borough to date is supported.

Sandwell MBC should continue to keep its urban capacity under review over the plan period to identify any further opportunities for new development that would contribute to the land supply shortfalls currently set out (please see our separate response to paragraph 3.12/3.17).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Duty to Co-operate

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

The approach taken by the Council for identifying land supply within the borough to date is supported, however the Local Plan recognises that the remaining housing shortfall within Sandwell is significant, and it outlines a shortfall may remain even when contributions from other local authorities are accounted for. Given this context, it is appropriate for Sandwell MBC to keep under review its own land supply on a regular basis and continue exploring opportunities for increasing the supply wherever possible. Additional wording should be included at the end of paragraphs 3.12 and 3.17 to this effect.

Full text:

The approach taken by the Council for identifying land supply within the borough to date is supported, however the Local Plan recognises that the remaining housing shortfall within Sandwell is significant, and it outlines a shortfall may remain even when contributions from other local authorities are accounted for. Given this context, it is appropriate for Sandwell MBC to keep under review its own land supply on a regular basis and continue exploring opportunities for increasing the supply wherever possible. This would ensure the Local Plan is sound in terms of being 'effective' and 'consistent with national planning policy'.

Additional wording should be included at the end of paragraph 3.12 as follows:

The Council will continue to regularly monitor the land supply position and keep under review any opportunities for additional supply with the borough over the plan period. Mechanisms for such monitoring and review include an annual Strategic Housing Land Availability Assessment (wherein density and other capacity assumptions can be reconsidered and a Call for Sites undertaken); the Brownfield Register; forthcoming Design Codes, Masterplans or any equivalent for specific areas or sites; the Housing Delivery Test Action Plan (where applicable); and the Authority Monitoring Report.

Additional wording should be included at paragraph 3.17 as follows:

This work includes those mechanisms set out at paragraph 3.12 to monitor and review land supply within Sandwell borough.

Change suggested by respondent:

Additional wording should be included at the end of paragraph 3.12 as follows:

The Council will continue to regularly monitor the land supply position and keep under review any opportunities for additional supply with the borough over the plan period. Mechanisms for such monitoring and review include an annual Strategic Housing Land Availability Assessment (wherein density and other capacity assumptions can be reconsidered and a Call for Sites undertaken); the Brownfield Register; forthcoming Design Codes, Masterplans or any equivalent for specific areas or sites; the Housing Delivery Test Action Plan (where applicable); and the Authority Monitoring Report.

Additional wording should be included at the end of paragraph 3.17 as follows:

This work includes those mechanisms set out at paragraph 3.12 to monitor and review land supply within Sandwell borough.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Appearance at the examination

Oral exam why: For Dudley MBC to fully represent its position.

Attachments: None

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. The Regeneration Area of Dudley Port and Tipton relates to the Regulation 19 Dudley Local Plan Dudley-Coseley Regeneration Corridor 5 (and the Wednesbury Regeneration Area is also of relevance to the Metro). Support references to the new public transport hub to be developed around the interchange of the Midland Metro Extension and Dudley Port railway station. Support references within the justification text to build upon the existing infrastructure, making the canals and greenspace a destination, linking to wider attractions such as the Dudley Canal Trust, Black Country Museum and Dudley Zoo.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan approach of focusing new development and regeneration within the identified Regeneration Areas and West Bromwich strategic centre.

The Regeneration Area of Dudley Port and Tipton relates to the Regulation 19 Dudley Local Plan (October 2024) Dudley-Coseley Regeneration Corridor 5 (and the Wednesbury Regeneration Area is also of relevance in relation to the Metro corridor). Dudley MBC supports references to the new public transport hub to be developed around the interchange of the Midland Metro Extension and Dudley Port railway station. Combined with the Metro extension from Dudley town centre to Dudley Port, this will provide Dudley borough residents with enhanced access to the national railway network.

The justification to the policy references the opportunities to build upon the existing infrastructure, making the canals and greenspace a destination, linking to wider attractions such as the Dudley Canal Trust, Black Country Museum and Dudley Zoo. Recognition of these attractions and potential opportunities to enhance linkages to them is supported.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy, including the reference to 'at least 10,434 new homes' (our emphasis added). However, please also see our response to paragraphs 3.12/3.17 which seeks additional references to an ongoing review of the housing land supply position.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy, including the reference to 'at least 10,434 new homes' (our emphasis added). However, please also see our response to paragraphs 3.12/3.17 which seeks additional references to an ongoing review of the housing land supply position.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Support use of the jointly produced evidence base.

Allocation for 10 pitches proposed near the boundary with Dudley borough (site reference SG1, Brierley Lane): planning applications at this site should take account of any cross-boundary infrastructure issues arising and matters related to amenity.

Support Sandwell MBC meeting its remaining pitch/plot needs via the planning application process. Dudley MBC is unable to contribute towards any unmet needs of Sandwell and has identified its own shortfall in Gypsy, Traveller and Travelling Showpeople provision within the Regulation 19 Dudley Local Plan.

Full text:

Dudley MBC considers the policy to be sound. The Local Plan policy is informed by the most up to date shared evidence base; the Black Country Gypsy and Traveller Accommodation Assessment (GTAA, 2022). Dudley MBC supports the use of this jointly produced evidence base.

It is noted there is one allocation for 10 pitches proposed near the boundary with Dudley borough (site reference SG1, Brierley Lane). Detailed proposals for this site via future planning applications should take account of any cross-boundary infrastructure issues arising and matters related to impacts upon amenity of the local area (including within Dudley borough).

Dudley MBC supports Sandwell MBC seeking to meet its remaining needs for pitches and plots via the planning application process. As set out in Duty to Cooperate discussions between the local authorities, Dudley MBC is unable to contribute towards any unmet needs of Sandwell and has identified its own shortfall in Gypsy, Traveller and Travelling Showpeople provision within the Regulation 19 Dudley Local Plan (October 2024).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1466

Support

Document Element: Policy SEC I – Providing for Economic Growth and Jobs

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Support the use of jointly produced evidence base. Dudley MBC supports ongoing joint working to address the employment land needs of the Black Country Functional Economic Market Area (FEMA). Dudley MBC welcomes continued joint working to produce an up-to-date shared evidence base for the employment land supply across the FEMA.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the overall approach of the policy. The Local Plan policy is informed by the most up to date shared evidence base; the Economic Development Needs Assessment for the Black Country Authorities (EDNA, October 2023). Dudley MBC supports the use of this jointly produced evidence base.

Dudley MBC supports ongoing joint working to address the employment land needs of the Black Country Functional Economic Market Area (FEMA) as per our response to Paragraphs 15-18 of the Local Plan (Duty to Cooperate).

It is noted that elements of the Sandwell employment land supply have been slightly updated since the last version of the Black Country Employment Land Supply Paper (November 2023) was published e.g., the inclusion of Lion Farm (site reference SM2) as an employment land allocation. Dudley MBC welcomes continued joint working to produce an up-to-date shared evidence base for the employment land supply across the FEMA.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1467

Support

Document Element: Policy SEC2 – Strategic Employment Areas

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policies for Strategic Employment Areas (Policy SEC2) and Local Employment Areas (Policy SEC3) as they provide cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024). They are informed by the most up to date shared evidence base; the Black Country Employment Area Review (BEAR, 2021). Dudley MBC supports the use of this jointly produced evidence base.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policies for Strategic Employment Areas (Policy SEC2) and Local Employment Areas (Policy SEC3) as they provide cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024). They are informed by the most up to date shared evidence base; the Black Country Employment Area Review (BEAR, 2021). Dudley MBC supports the use of this jointly produced evidence base.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1468

Support

Document Element: Policy SEC3 – Local Employment Areas

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policies for Strategic Employment Areas (Policy SEC2) and Local Employment Areas (Policy SEC3) as they provide cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024). They are informed by the most up to date shared evidence base; the Black Country Employment Area Review (BEAR, 2021). Dudley MBC supports the use of this jointly produced evidence base.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policies for Strategic Employment Areas (Policy SEC2) and Local Employment Areas (Policy SEC3) as they provide cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024). They are informed by the most up to date shared evidence base; the Black Country Employment Area Review (BEAR, 2021). Dudley MBC supports the use of this jointly produced evidence base.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Policy STR1 – Priorities for the Development of the Transport Network

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Support the policy and the references to cross-boundary projects, which are consistent with the Regulation 19 Dudley Local Plan. Support the reference to the Dudley Port Integrated Transport Hub, which will link into the Metro extension for Brierley Hill-Wednesbury. Support the use of the jointly produced evidence base.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy and the references to cross-boundary projects, which are consistent with the Regulation 19 Dudley Local Plan (October 2024) Policy DLP67 The Transport Network. Dudley MBC supports the reference to the Dudley Port Integrated Transport Hub, which will link into the Metro extension for Brierley Hill-Wednesbury and provide access to the national railway network for Dudley borough residents. The Local Plan is informed by the most up to date shared evidence base; the Black Country Transport Modelling Report (October 2024). Dudley MBC supports the use of this jointly produced evidence base.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1470

Support

Document Element: Policy STR4 – The Efficient Movement of Freight and Logistics

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy which is broadly consistent with the Regulation 19 Dudley Local Plan (October 2024) Policy DLP70 The Movement of Freight. This ensures a consistent approach to cross boundary projects related to this topic, including the reopening of the Stourbridge-Walsall-Lichfield railway line (as referenced in the supporting justification text).

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy which is broadly consistent with the Regulation 19 Dudley Local Plan (October 2024) Policy DLP70 The Movement of Freight. This ensures a consistent approach to cross boundary projects related to this topic, including the reopening of the Stourbridge-Walsall-Lichfield railway line (as referenced in the supporting justification text).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1471

Support

Document Element: Policy STR5 – Creating Coherent Networks for Cycling and Walking

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports the principle of this policy and welcomes the opportunity to continue joint working on the delivery of relevant cross boundary projects, as referenced within each authorities' respective Infrastructure Delivery Plans (supporting documents to the Regulation 19 Local Plans of both Sandwell MBC and Dudley MBC).

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the principle of this policy and welcomes the opportunity to continue joint working on the delivery of relevant cross boundary projects, as referenced within each authorities' respective Infrastructure Delivery Plans (supporting documents to the Regulation 19 Local Plans of both Sandwell MBC and Dudley MBC).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Policy SID1 – Infrastructure Provision and Viability Assessments

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Support the policy, including the justification text (paragraphs 12.17- 12.21) that sets out the type of infrastructure to be funded and refers to the pooling of developer contributions between Sandwell MBC and other local authorities where there is a cross-boundary impact.

Note housing, employment and gypsy/traveller allocations in proximity of the Dudley borough boundary. As detailed planning applications are taken forward for sites, account will need to be taken of any cross-boundary infrastructure matters (including highways and education in particular).

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports this policy, including the justification text (paragraphs 12.17- 12.21) that sets out the type of infrastructure to be funded and refers to the pooling of developer contributions between Sandwell MBC and other local authorities where there is a cross-boundary impact.

In relation to the housing allocations (set out at Appendix B) it is noted that some of these are in proximity of the Dudley borough boundary. As detailed planning applications are taken forward for relevant sites, account will need to be taken of any cross-boundary infrastructure matters (including highways and education in particular).

There is one allocation for 10 gypsy and traveller pitches proposed near the boundary with Dudley borough (site reference SGI, Brierley Lane within Appendix B). Detailed proposals for this site via any forthcoming planning applications should take account of any cross-boundary infrastructure matters.

In respect of education, we would note that historically for cross-border flow of pupils the largest flow for Dudley MBC is with Sandwell MBC. As such Dudley MBCs education team would welcome ongoing discussions in relation to housing allocations nearby the boundary. We particularly note that the SH25 allocation at Bradley's Lane and the various allocations around Cradley Heath are located closer to primary schools within Dudley borough than those in Sandwell.

In respect of transport, all developments exceeding 150 dwellings (as compliant with Local Transport Note LTN 1/20) at or near the Dudley MBC boundary should be considered in terms of impact on the surrounding network and subject to traffic impact assessments.

There is one employment site allocation nearby the Dudley borough boundary at Coneygre Business Park for 7.22ha (reference SEC1-4 within Appendix C). Detailed proposals for the site via any forthcoming planning applications should take account of cross-boundary infrastructure matters. This site is close to the A4123/borough boundary and depending on the nature of the development, increased traffic may impact on this key route which is currently being improved to facilitate both active travel and bus route enhancements.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

1474

Support

Document Element: Policy SWA3 – Preferred Areas for New Waste Facilities

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policy as it provides cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024) namely, Site M.10, Bloomfield Road, Tipton within Table 15 of the supporting justification text to the Sandwell Local Plan policy. It is informed by the most up to date shared evidence base; the Black Country Waste Study (2020). Dudley MBC supports the use of this jointly produced evidence base.

Full text:

Dudley MBC considers the policy to be sound. Dudley MBC supports the Local Plan policy as it provides cross-boundary consistency with proposals set out in the Regulation 19 Dudley Local Plan (October 2024) namely, Site M.10, Bloomfield Road, Tipton within Table 15 of the supporting justification text to the Sandwell Local Plan policy. It is informed by the most up to date shared evidence base; the Black Country Waste Study (2020). Dudley MBC supports the use of this jointly produced evidence base.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Not specified

Attachments: None

Document Element: Housing Allocations

Respondent: Dudley MBC (Vicki Popplewell) [51]

Date received: 11/11/2024 via Web

Summary:

Allocation reference SM2 Lion Farm- further clarification is sought that any replacement playing pitches will take account of potential cross-boundary usage, and it is considered that reference should be made to the type of employment uses proposed for clarity. Additional text should be included within the 'Further information' for the site in the Mixed Use Allocations Table.

Full text:

Allocation Site Reference SM2- Lion Farm

Dudley MBC provided several comments at the Regulation 18 Local Plan stage in respect of this site allocation. Firstly, clarification was sought on whether the existing playing pitches were to be retained or relocated and if there were any implications for cross boundary provision given the need to protect and enhance playing pitches across the Black Country. Secondly, clarification was sought on whether the site would be used for B class employment land or other employment-related provision (as the site had been previously identified for potential retail-related provision).

The Regulation 19 Local Plan has sought to clarify the potential locations for replacement playing pitches (as set out within the 'Further Information' at Appendix B- Mixed Use Allocations) and the site is now included within the employment site allocations for B class uses (at Appendix C- Employment Allocations).

However, further clarification is sought from Dudley MBC that any replacement playing pitches will take account of potential cross-boundary usage, and it is considered that reference should be made to the type of employment uses proposed for clarity. The modifications proposed would ensure the Local Plan is sound in terms of being 'justified', 'effective' and 'consistent with national planning policy'.

We would note that as part of any detailed planning applications for the site, the cumulative impacts with the nearby Edwin Richards Quarry allocation (for 626 homes) on cross-boundary infrastructure including highways should be considered.

Dudley MBC consider that additional text should be added to the 'Further information' for the site in the Mixed Use Allocations Table to state the following:

The relocation of playing pitches to alternative sites will take account of any cross-boundary needs which are currently being served.

Dudley MBC consider that additional text should be added to the 'Further information' for the site in the Mixed Use Allocations Table to state the following:

The 2.3ha employment land element is for Use Classes E(g)(ii), E(g)(iii) and B2), warehousing (Use Class B8) (as per Local Plan Policy SEC1).

Change suggested by respondent:

Dudley MBC consider that additional text should be added to the 'Further information' for the site in the Mixed Use Allocations Table to state the following:

The relocation of playing pitches to alternative sites will take account of any cross-boundary needs which are currently being served.

Dudley MBC consider that additional text should be added to the 'Further information' for the site in the Mixed Use Allocations Table to state the following:

The 2.3ha employment land element is for Use Classes E(g)(ii), E(g)(iii) and B2), warehousing (Use Class B8) (as per Local Plan Policy SEC1).

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18 representations submitted in 2023.

Appear exam: Written Representation

Attachments: None

Document Element: Introduction

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

Therefore, in the absence of evidence demonstrating the strategic application of the Sequential Test, the Local Plan is unsound as it is not consistent with national policy (paragraphs 167-171). The absence of evidence of application of Sequential Test casts doubt on whether it is 'justified' i.e. an appropriate strategy based on proportionate evidence.

We outlined this in our comments to the regulation 18 consultation. We advised this could either be an update to the Sustainability Appraisal or as a standalone document. However, we can't find reference to the Sequential Test (or Exceptions Test) within the Sustainability Appraisal and no other standalone document appears to be available. There are various places within the Sustainability Appraisal Main Report and Appendices where commentary on the application of the Sequential Test could have featured e.g. Paragraphs 9.2.6-9.2.10 (Chapter 9 Climatic Factors), Box 9.1 Summary of Identified Impacts on Climate Factors, Box 9.2 Summary of Mitigating Effects, Box 9.3 Summary of Residual Effects and Appendix C and Appendix E.

Page C3 of SA Appendix C states in response to our regulation 18 comments that 'Regulation 19 will refer to the latest evidence, including any updated Sequential Test information.' The Sequential Test information is not demonstrated. The LI SFRA 2024 provides the high-level flood risk information. However, the Sequential Test as a planning decision making tool can only be undertaken by the Council's Policy Team, based on the SFRA mapping.

Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M LI Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Council's development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

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Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M LI Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Councils development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

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Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the LI SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beever Road
- *SH5 Mill Street, Great Bridge
- *SH36 Land between Addington Way and River Tame
- *SH35 Rattlechain Site Land to the North of Temple Way
- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the LI SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

I 58. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

I 66. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the LI SFRA 2024 by JBA. The 2024 LI SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

I 0.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the Justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime fo the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the L1 SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beaver Road
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- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the L1 SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

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We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

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Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared

catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the LI SFRA 2024 by JBA. The 2024 LI SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers

and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime for the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: Policy SCC5 – Flood Risk

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the LI SFRA 2024 by JBA. The 2024 LI SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change

and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

Therefore, in the absence of evidence demonstrating the strategic application of the Sequential Test, the Local Plan is unsound as it is not consistent with national policy (paragraphs 167-171). The absence of evidence of application of Sequential Test casts doubt on whether it is 'justified' i.e. an appropriate strategy based on proportionate evidence.

We outlined this in our comments to the regulation 18 consultation. We advised this could either be an update to the Sustainability Appraisal or as a standalone document. However, we can't find reference to the Sequential Test (or Exceptions Test) within the Sustainability Appraisal and no other standalone document appears to be available. There are various places within the Sustainability Appraisal Main Report and Appendices where commentary on the application of the Sequential Test could have featured e.g. Paragraphs 9.2.6-9.2.10 (Chapter 9 Climatic Factors), Box 9.1 Summary of Identified Impacts on Climate Factors, Box 9.2 Summary of Mitigating Effects, Box 9.3 Summary of Residual Effects and Appendix C and Appendix E.

Page C3 of SA Appendix C states in response to our regulation 18 comments that 'Regulation 19 will refer to the latest evidence, including any updated Sequential Test information.' The Sequential Test information is not demonstrated. The LI SFRA 2024 provides the high-level flood risk information. However, the Sequential Test as a planning decision making tool can only be undertaken by the Council's Policy Team, based on the SFRA mapping.

Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M LI Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Councils development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

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Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the LI SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beever Road
- *SH5 Mill Street, Great Bridge
- *SH36 Land between Addington Way and River Tame
- *SH35 Rattlechain Site Land to the North of Temple Way
- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the LI SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including

floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

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166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

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10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with

paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the Justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime of the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the Justification text, paragraph 4.16, as follows:

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Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

Therefore, in the absence of evidence demonstrating the strategic application of the Sequential Test, the Local Plan is unsound as it is not consistent with national policy (paragraphs 167-171). The absence of evidence of application of Sequential Test casts doubt on whether it is 'justified' i.e. an appropriate strategy based on proportionate evidence.

We outlined this in our comments to the regulation 18 consultation. We advised this could either be an update to the Sustainability Appraisal or as a standalone document. However, we can't find reference to the Sequential Test (or Exceptions Test) within the Sustainability Appraisal and no other standalone document appears to be available. There are various places within the Sustainability Appraisal Main Report and Appendices where commentary on the application of the Sequential Test could have featured e.g. Paragraphs 9.2.6-9.2.10 (Chapter 9 Climatic Factors), Box 9.1 Summary of Identified Impacts on Climate Factors, Box 9.2 Summary of Mitigating Effects, Box 9.3 Summary of Residual Effects and Appendix C and Appendix E.

Page C3 of SA Appendix C states in response to our regulation 18 comments that 'Regulation 19 will refer to the latest evidence, including any updated Sequential Test information.' The Sequential Test information is not demonstrated. The L1 SFRA 2024 provides the high-level flood risk information. However, the Sequential Test as a planning decision making tool can only be undertaken by the Council's Policy Team, based on the SFRA mapping.

Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It

summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M LI Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Councils development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Councils development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the LI SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beaver Road
- *SH5 Mill Street, Great Bridge
- *SH36 Land between Addington Way and River Tame
- *SH35 Rattlechain Site Land to the North of Temple Way
- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the LI SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the LI SFRA 2024 by JBA. The 2024 LI SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime of the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

Therefore, in the absence of evidence demonstrating the strategic application of the Sequential Test, the Local Plan is unsound as it is not consistent with national policy (paragraphs 167-171). The absence of evidence of application of Sequential Test casts doubt on whether it is 'justified' i.e. an appropriate strategy based on proportionate evidence.

We outlined this in our comments to the regulation 18 consultation. We advised this could either be an update to the Sustainability Appraisal or as a standalone document. However, we can't find reference to the Sequential Test (or Exceptions Test) within the Sustainability Appraisal and no other standalone document appears to be available. There are various places within the Sustainability Appraisal Main Report and Appendices where commentary on the application of the Sequential Test could have featured e.g. Paragraphs 9.2.6-9.2.10 (Chapter 9 Climatic Factors), Box 9.1 Summary of Identified Impacts on Climate Factors, Box 9.2 Summary of Mitigating Effects, Box 9.3 Summary of Residual Effects and Appendix C and Appendix E.

Page C3 of SA Appendix C states in response to our regulation 18 comments that 'Regulation 19 will refer to the latest evidence, including any updated Sequential Test information.' The Sequential Test information is not demonstrated. The L1 SFRA 2024 provides the high-level flood risk information. However, the Sequential Test as a planning decision making tool can only be undertaken by the Council's Policy Team, based on the SFRA mapping.

Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M L1 Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Council's development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Council's development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the L1 SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beever Road
- *SH5 Mill Street, Great Bridge
- *SH36 Land between Addington Way and River Tame
- *SH35 Rattlechain Site Land to the North of Temple Way
- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the L1 SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the L1 SFRA 2024 by JBA. The 2024 L1 SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local

authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the Justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime for the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Environment Agency (Keira Murphy) [173]

Date received: 06/11/2024 via Email

Summary:

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime of the development, making reference to flood risk policy SCC5.

Full text:

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

The evidence base including Sustainability Appraisal has not demonstrated how the Council has applied the flood risk Sequential Test as outlined in National Planning Policy Framework paragraphs 167-171. Nor has it confirmed that the sites proposed with zones of medium or high fluvial flood risk (and other sources) have passed the Sequential Test.

Therefore, in the absence of evidence demonstrating the strategic application of the Sequential Test, the Local Plan is unsound as it is not consistent with national policy (paragraphs 167-171). The absence of evidence of application of Sequential Test casts doubt on whether it is 'justified' i.e. an appropriate strategy based on proportionate evidence.

We outlined this in our comments to the regulation 18 consultation. We advised this could either be an update to the Sustainability Appraisal or as a standalone document. However, we can't find reference to the Sequential Test (or Exceptions Test) within the Sustainability Appraisal and no other standalone document appears to be available. There are various places within the Sustainability Appraisal Main Report and Appendices where commentary on the application of the Sequential Test could have featured e.g. Paragraphs 9.2.6-9.2.10 (Chapter 9 Climatic Factors), Box 9.1 Summary of Identified Impacts on Climate Factors, Box 9.2 Summary of Mitigating Effects, Box 9.3 Summary of Residual Effects and Appendix C and Appendix E.

Page C3 of SA Appendix C states in response to our regulation 18 comments that 'Regulation 19 will refer to the latest evidence, including any updated Sequential Test information.' The Sequential Test information is not demonstrated. The L1 SFRA 2024 provides the high-level flood risk information. However, the Sequential Test as a planning decision making tool can only be undertaken by the Council's Policy Team, based on the SFRA mapping.

Appendix E of the Sustainability Appraisal, has appraised the site allocations against SA Objective 5 'Climate Change Adaptation.' It summarises that most sites are in Flood Zone 1, 9 are in Flood Zone 3, 2 are in Flood Zone 2 and 5 have indicative Flood Zone 3b (functional floodplain). This has relied on the Black Country SFRA to identify the flood zones. Although various parts of the SA main report and appendices refer to the 2024 SFRA, the data from this SFRA hasn't been used to inform the SA, e.g. the SFRA maps (3a and 3b) or Appendix M L1 Site Screening Results. Appendix E could have confirmed the outcome of the Sequential Test and where applicable Exceptions Test.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Council's development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

Actions the Council has already undertaken could have contributed to the application of the Sequential Test. For example, the Site Screening process may have helped achieve the aim of the Sequential Test in directing most of the Council's development to Flood Zone 1 and sites of lowest flood risk from other sources, but this is not explained in the Sustainability Appraisal. Statements made within the Sustainability Appraisal imply a sequential approach has been applied but this needs to be obvious and explicit in order to demonstrate a sound plan.

Prior to the submission of the plan we invite the Council to outline how they intend to address this. This could be amendments to the Sustainability Appraisal or a standalone document. This could be agreed within a Statement of Common Ground.

A Level 2 SFRA has not assessed the sites proposed in areas of medium to highest flood risk from rivers (Flood Zone 2 and 3a/3b and other flood risk sources) to check feasibility of allocating site. Flood depths, duration, rate of inundation and extent including climate change can impact on deliverability and capacity of site for the type of development, potential number of dwellings and density.

If following the application of the flood risk Sequential Test, it has not been possible to locate all development to areas with a lower risk of flooding, the Exception Test is applied. Paragraphs 169-171 of the NPPF set out the policy for strategic allocations. Diagram 1 'Taking flood risk into account in the preparation of strategic policies' (Paragraph: 007) sets out the steps and when a L2 SFRA is required.

Sandwell according to the Sustainability Appraisal have some sites in areas of Flood Zone 2, Flood Zone 3 and Flood Zone 3b. When compared against the L1 SFRA 2024 mapping, the following sites proposed for housing fall into this category (note that this excludes any employment allocations affected by functional floodplain and flood zone 3a/2):

- *SH59 Beaver Road
- *SH5 Mill Street, Great Bridge
- *SH36 Land between Addington Way and River Tame
- *SH35 Rattlechain Site Land to the North of Temple Way
- *SM2 Lion Farm, Oldbury
- *SH16 Cradley Heath Factory Centre, Woods Lane, Cradley
- *SH2 Land adjacent to Asda, Wolverhampton

We recommend the inclusion of other strategically important sites such as SH18 Friar Park, Wednesbury which are close to or on the edge of the floodplain to check for the impact of climate change and other sources of flood risk.

Please note the L1 SFRA 2024 by JBA has provided a Site Screening Results in Appendix M.

The presence of functional floodplain (3b) can significantly restrict a site's capacity to deliver development as only water compatible or essential infrastructure are permissible in this zone. This is reinforced by your local plan policy SCC5 Flood Risk.

Flood Zone 3a (and including climate change) can also be restrictive if the extents limit available space for flood mitigation including floodplain compensation and safe access and egress. A Level 2 SFRA will assess in more detail the flood risk characteristics of a site and as stated above should inform the Council of the overall deliverability of the site allocation.

Paragraph 171 states both elements of the exception test should be satisfied for development to be allocated or permitted.

In the absence of a L2 SFRA we consider the Local Plan including Sustainability Appraisal is unsound as it is not consistent with national policy (paragraph 169-171). It is also not meeting the justified test of soundness, as without a complete evidence base to support the relevant site allocations, it's not an appropriate strategy based on a proportionate evidence base.

Although we were supportive of this policy at the regulation 18 stage (draft policy SCC4 now SCC5) a section of the policy has been removed which we considered to be an essential component. The following section of the policy appears to have been removed:

"15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by:

- a) provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or
- b) by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

We cannot consider this omission to be sound in terms of being 'justified' or 'consistent with national policy.' It is not consistent with National Planning Policy Framework (NPPF) paragraphs 158 and 166 as follows:

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The NPPF paragraph 20 also indicates 'flood risk' as a strategic policy issue.

This is now unsound as the policy does not include strategic flood risk measures based on a cross-boundary study via the Cumulative Impact Assessment (CIA) and the conclusions and recommendations by both the Black Country SFRA 2020 and the L1 SFRA 2024 by JBA. The 2024 L1 SFRA section 7.3 explains that the Cumulative Impact Assessment is being undertaken with Wolverhampton and Dudley Councils. The results summarise a number of catchments rated as high-risk or medium-risk for cumulative impacts from historic flood risk, surface water flood risk, potential development, predicted flood risk from increased runoff upstream and sewer flooding. Strategic solutions are listed in section 7.4 of the SFRA including seeking opportunities to deliver flood risk benefits through development, promoting natural flood management, and contributions towards flood risk management measures that benefit the wider community.

10.3 has policy recommendations from the cumulative impact assessment, stating:

The cumulative impact assessment for the Black Country has highlighted that the potential

for development to have a cumulative impact on flood risk is relatively high across the authorities. Many of the catchments are red and amber rated and those that are yellow still have levels of flood risk higher than many of the rural catchments in surrounding local authority areas in Southern Staffordshire. This supports the need for incremental action and betterment in flood risk terms across all four Black Country Authority areas.

Section 15 directly addresses this recommendation by requiring developments to seek to provide 'wider betterment' and measures to contribute to a reduction in overall flood risk downstream. Plus contributing to wider community schemes is likely to become more important in the coming years. This allows the policy to compliment the policies of neighbouring authorities such as Dudley and Wolverhampton, help to alleviate flood risk strategically across the Black Country and demonstrate cross-boundary co-operation.

We don't know if section 15 of the draft SCC4 policy was removed in error, or removed to reduce the length of the policy. There are other sections of the policy that could be withdrawn if the concern is the length of the policy e.g. the requirements for site-specific FRAs are already set out in the NPPF, the PPG and other web sources such as <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. To overcome this we request the Council re-insert section 15 on achieving wider flood risk betterment.

Other parts of the policy are welcome, in particular, section 6 on watercourses and flood mitigation. We strongly support the requirement in part iv for a ten metre easement alongside main rivers.

Policy SNE2 is comprehensive and sets out the requirements for Biodiversity Net Gain. At the regulation 18 consultation, although we welcomed the policy, we recommended that the policy acknowledge the role BNG will have for the water environment, with reference to the Humber and Severn River Basin Management Plans. The RBMPs are a key evidence base for applicants to consider when a watercourse metric is required, as the objective of achieving good status for waterbodies will also contribute towards nature recovery. Achieving the objectives of the RBMPs by restoring and renaturalising watercourses and/or creating wildlife rich river corridors can contribute to an applicants biodiversity credits and gain plan. Watercourse enhancement as part of developments will play a key role in delivery of BNG across Sandwell in addition to other types of habitat creation or enhancement.

Unfortunately, our advice has not been taken on board or incorporated within policy SNE2 or the justification text.

The West Midlands Combined Authority Local Nature Recovery Strategy may not be published for some time yet, and it's important that other strategies and plans such as RBMPs are referenced.

Without an appropriate reference to RBMPs and the water environment in relation to this policy, we would consider it inconsistent with paragraph 180 of the National Planning Policy Framework, and therefore unsound.

Although we would have preferred amendments to the policy text, we think this can be overcome with a minor amendment to the Justification text, paragraph 4.16, as follows:

4.16 Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Biodiversity Action Plan, River Basin Management Plans and the Black Country and West Midlands Local Nature Recovery Strategy.

A reference to paragraph 4.16 to the RBMP will help secure this important evidence base as part of a number of strategies applicants should consider when designing for BNG and achieving wider biodiversity benefits as it relates to the water environment. Councils have a duty to have regard to RBMPs in plan-making and decision taking (Water Environment Regulations 2017) and the inclusion of this minor change will help towards meeting that duty.

We support part 4 (g) of the policy, which states:

the site should not be at risk of flooding and proposals must not increase flood risk for others, in accordance with Policy SCC5.

This has taken on board our previous comments at the regulation 18 stage and we welcome the inclusion to ensure the safety of occupiers and residents at these sites.

Whilst we would have expected more strengthening of the policy in terms of blue infrastructure, such as emphasis on restoring and enhancing the river network, we are overall in support of Policy SDS8. In particular, part 2 which states:

Sandwell's green and blue infrastructure networks, including open spaces, green spaces, nature conservation sites, parks and gardens (including registered parks and gardens), habitats, rivers, canals, other waterways, trees and green features, should be enhanced where possible (Policies SNE1 - SNE6, SHE1 – SHE4).

And also part 4 which requires major developments to be planned, designed and managed in an integrated way so that they deliver multiple climate change and environmental benefits over the lifetime of the development, making reference to flood risk policy SCC5.

Change suggested by respondent:

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Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: We are willing to attend the examination on these representations.

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SNE2(7) is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate information or evidence setting out how it will effectively help to deliver development.

Full text:

Policy SNE2(7) is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate information or evidence setting out how it will effectively help to deliver development.

Part 7 of Policy SNE2 states that all development should help deliver the Local Nature Recovery Network Strategy in line with the with the principles set out. Further clarity on the role and implementation of the Local Nature Recovery Network Strategy is requested at the Regulation 18 consultation stage, because the implications for development coming forward in Sandwell are unclear at this point. The Regulation 19 consultation document does not include any additional clarification in relation to how all development should help deliver the Local Nature Recovery Strategy. Policy SNE3- Provision, Retention and Protection of Trees, Woodlands and Hedgerows
Policy SNE3 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to the negative impacts the policy requirements will have on the deliverability of future sustainable development.

Part 9 of Policy SNE3 states that tree planting on new development sites should make a minimum contribution of 20% canopy cover and a recommended contribution of 30% canopy cover across the site, especially in areas where evidence demonstrates that current levels of canopy cover are lower than the local average.

Although FCC Environment supports the principle of providing tree cover as part of new development the requirements set out in Policy SNE3 are not considered to be sound. Firstly, it is unclear how this canopy cover requirement will be calculated across the site and how this can be deliverable for residential sites which will include private gardens where there is limited / no control on what is planted or removed unless the site is within a Conservation Area. There may also be further controls over what tree species can be plant alongside adoptable roads. Additionally, we consider that this requirement, in combination with others proposed in the plan (e.g. 3 to 1 replacement tree planting) and the mandatory requirement for the delivery of 10% biodiversity net gain (BNG) will have serious implications on the net developable area of housing sites. On the basis that Sandwell cannot currently meet its identified housing needs, this proposed policy requirement may result in an even greater housing shortfall and additional sites will be required to meet that shortfall.

The tree planting requirements may also impact on a scheme's ability to effectively provide 10% BNG on site. A basic requirement of BNG is that any habitat affected within the development boundary shall be replaced on a 'like for like' or 'like for better' principle. The proposed requirement for 20% canopy cover could greatly limit the space available within a site for the delivery of other specific types of biodiversity habitats that are needed to provide a 10% gain. This will further negatively impact on the net developable area of housing sites.

Part 12 states that for every tree removed from a development site, a minimum of three replacement trees will be required to be planted. It is unclear how this will work with Point 10 which seeks to require large canopy trees and which would therefore limit the number of trees that could be delivered across a site. This accordingly raises concerns in relation to the effectiveness of this policy. We consider that trees which have been assessed as low quality (Category C and U) should not be afforded the same weight as higher quality trees and similarly, should not be required to be mitigated by a ratio of 3 to 1. Additionally, this is a significant replanting figure and we consider it will have implications of the net developable area of a site which in turn could impact on the potential yield of housing allocation sites.

Instead of imposing significant canopy cover and replacement planting requirements, we consider that the Policy should encourage new and replacement tree planting to be delivered within development sites but, for the submitted landscaping information to demonstrate why the proposed tree planting scheme is considered to be suitable for the site in question. It should not be the role of new development sites to remedy deficiencies in tree cover elsewhere within the Borough. It is also noted that the evidence base does not consider the impact of the proposed tree planting requirements on the masterplanning and capacity of housing sites.

If the proposed tree canopy and tree replacement requirements are to be retained in this policy then reference should be included to clarify that additional planting can be deliverable in the application site and / or other adjacent land in the ownership or control of the applicant (e.g. blue line land). While not mitigating for the concerns raised above, such a an approach may assist with the provision of additional trees in the area.

Change suggested by respondent:

Instead of imposing significant canopy cover and replacement planting requirements, we consider that the Policy should encourage new and replacement tree planting to be delivered within development sites but, for the submitted landscaping information to demonstrate why the proposed tree planting scheme is considered to be suitable for the site in question. It should not be the role of new development sites to remedy deficiencies in tree cover elsewhere within the Borough. It is also noted that the evidence base does not consider the impact of the proposed tree planting requirements on the masterplanning and capacity of housing sites.

If the proposed tree canopy and tree replacement requirements are to be retained in this policy then reference should be included to clarify that additional planting can be deliverable in the application site and / or other adjacent land in the ownership or control of the applicant (e.g. blue line land). While not mitigating for the concerns raised above, such a an approach may assist with the provision of additional trees in the area.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area.

Attachments: None

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

However, there are specific aspects of the draft policy wording that we do not consider are sound, on the basis of the evidence presented and/or the position with respect to national policy.

Full text:

FCC Environment is supportive of the climate change mitigation goals of Local Plan policies. The Edwin Richards Quarry site represents an excellent opportunity to deliver a significant amount of housing which is sustainable and which meets the expected forthcoming Future Homes Standard (FHS) when introduced through Building Regulations updates.

However, there are specific aspects of the draft policy wording that we do not consider are sound, on the basis of the evidence presented and/or the position with respect to national policy.

It is noted that the justification for the Target Emission Rates (TER) and Target Fabric Energy Efficiency (TFEE) requirements in SCC1 (a)-(c) rests in part upon a statement that this policy “protects against the FHS [Future Homes Standard] being withdrawn..., watered down or delayed beyond its purported 2025 introduction date...” (Evidence Base Report Output 3a Appendix , Table 1).

Secondly, whilst the proposed TER is broadly consistent with the FHS proposals consulted on by the government in December 2023, the justification and explanation for the additional TFEE requirements indicates that this is intended to further constrain developers such that the FHS TER (or local policy TER) performance standard cannot be met only through use of heat pumps or solar PV.

The government’s FHS consultation included two options for the notional building, with heat pumps and with or without PV, and did not propose the TFEE uplifts. The government’s consultation noted that there are considerations of up-front build cost to be balanced against operational bills, which may therefore affect overall housing supply. It has taken evidence on this through the consultation. Publication of an adopted FHS with building regulations amendments is pending.

Change suggested by respondent:

Given the challenge explored in national policy development between balancing considerations of energy efficiency, cost (in different stages of a building’s lifecycle) and housing supply, we do not consider it sound for policy SCC1 to in effect explicitly seek to pre-empt the FHS and lock in options that are still being consulted on and evaluated at a national level. The following changes are proposed to make this policy sound:

1. SCC1 (1)(a) and (b): this Policy should be worded such that it only applies until the FHS (as expressed through amendments to Part L of the Building Regulations) is introduced. Thereafter, the FHS and Building Regulations should apply.
2. SCC1 (1)(c): this Policy should be expressed in terms of positive weight (for exemplar developments) rather than as a matter of minimum compliance, i.e. taking a similar approach to SCC(2)(a).

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

1507

Object

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SCC1(3)(d) should be worded only to require major developments to consider the suitability, feasibility and viability of connection to a decentralised heat or energy network, taking into account the lifecycle carbon intensity of doing so, rather than having a default position of a general expectation to connect to such a network.

Full text:

As we noted in our Regulation 18 stage submission, whilst heating networks may have the potential to serve very high density development (e.g. town centre apartment schemes), they are not always effective or viable, particularly for housing development. From Savills experience and based on a review of implemented schemes, district heating in many cases can be inefficient because heat is lost (up to 50%) when transferring to the dwellings / users. There are also significant disbenefits to the end-users of heat networks, because they will be locked into one energy source, without the ability to change supplier.

Policy (3)(d) states a “general expectation to pursue a connection” to an “existing or imminently planned network”, which may be waived subject to tests set out in the policy. This general expectation to connect remains unsupported by evidence in the Cost Appendix, Table 1, which discusses only the reasons for prohibiting connection to the gas grid, and does not engage with the feasibility, viability or efficiency of district heating networks.

Particularly in the case of an “imminently planned” network, there can be no surety over the delivery or timing of such a network; and in the interim, this could leave new residential development without a viable energy supply or forced to revert to less-efficient solutions, effectively holding housing delivery to ransom. In this and cases of ‘under-development’ networks, it also raises the risk of requiring fossil-fuelled interim solutions, as is seen currently with temporary gas-fired energy centres being required for Bristol’s heat network.

Furthermore, Policy 3(a) conflicts with the remainder of this Policy. It states that the use of fossil fuels will not be considered acceptable. However, the remainder of the Policy supports connections to heat networks that are likely to include direct or indirect fossil fuel use (e.g. “industrial uses, data centres, ... energy from waste”).

Change suggested by respondent:

Policy SCC1(3)(d) should therefore be worded only to require major developments to consider the suitability, feasibility and viability of connection to a decentralised heat or energy network, taking into account the lifecycle carbon intensity of doing so, rather than having a default position of a general expectation to connect to such a network.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

The requirements of Policy SCC1(4) are not considered to be sound or clearly evidenced.

Full text:

The evidence base for the requirement in Policy 4(a) to provide 39% of residual regulated energy through on-site renewable energy is explicitly based on maximising developer spending on solar PV within the assumed viability budget (Cost Appendix, Table 1), rather than a lifecycle-based evaluation of the optimum low-carbon energy supply to a proposed development, which may vary. As noted above, the government has consulted on options for the FHS as to whether inclusion of solar PV (40% of ground floor area – a different metric) should form part of the FHS notional building.

Solar PV provision at scale is subject not only to cost, available roof space and shading considerations, but also to the grid connection capacity available from the Distribution Network Operator. This is because the peak of generation will not typically match the peak of demand and it is necessary for electricity to also be exported (at least to a degree, considering the relatively high cost and lifecycle carbon intensity of household-scale battery storage systems).

The viability tests of 4(c) and (d) are therefore crucial. Whilst 4(c) is considered sound overall, it is not clear whether 4(d) sits within the test of 4(c) – i.e. whether the “technical reasons” of 4(d) constitute factors meaning the 39% is not “feasible or viable” and therefore whether the fallback >35 kWh/m² requirement of 4(d) is equally subject to the “to the greatest extent feasible and viable” proviso of 4(c). This should be the case, as the Evidence Base indicates that 35 kWh/m² is intended to be the equivalent of the 39% target, so should be subject to the same consideration of feasibility and viability, not an alternative/fallback standard. A rewording and consolidation of these two policies is therefore requested.

Footnote 116 should also be amended to make clear that other exceptional circumstances may also apply, such as those related to grid connection capacity, which are not fully within a developer’s control.

Policy 4(e) is not considered sound because it does not account for the difference in PV viability between low- and higher-rise building types in a development. As acknowledged in the evidence base for SCC1(5), on a higher-rise building, there is less roof space to provide PV relative to the number of residential units and energy demand of occupants; and roof space may also need to contribute to BNG. This is recognised in the FHS consultation, where different requirements are set for blocks of flats. As currently worded, in cases where a mixture of houses and higher-density blocks of flats are combined in a development, 4(e) could be interpreted as requiring that any shortfall in the PV provision on flats would need to be supplied from additional PV on the roofs of “other units” in the development (i.e. houses) – in effect requiring a either a private network / private wire agreement between them, or higher capacity to store or export electricity from the houses, financially benefiting one group of owners/tenants over another. Viability of PV should be considered on a per-building basis and while it may be possible to utilise other space on a site for PV (in line with policy 4(f)), any shortfall on one “unit” should not be required to be made up on another “unit” that will be under different private ownership.

Change suggested by respondent:

The evidence base for the requirement in Policy 4(a) to provide 39% of residual regulated energy through on-site renewable energy is explicitly based on maximising developer spending on solar PV within the assumed viability budget (Cost Appendix, Table 1), rather than a lifecycle-based evaluation of the optimum low-carbon energy supply to a proposed development, which may vary. As noted above, the government has consulted on options for the FHS as to whether inclusion of solar PV (40% of ground floor area – a different metric) should form part of the FHS notional building.

Solar PV provision at scale is subject not only to cost, available roof space and shading considerations, but also to the grid connection capacity available from the Distribution Network Operator. This is because the peak of generation will not typically match the peak of demand and it is necessary for electricity to also be exported (at least to a degree, considering the relatively high cost and lifecycle carbon intensity of household-scale battery storage systems).

The viability tests of 4(c) and (d) are therefore crucial. Whilst 4(c) is considered sound overall, it is not clear whether 4(d) sits within the test of 4(c) – i.e. whether the “technical reasons” of 4(d) constitute factors meaning the 39% is not “feasible or viable” and therefore whether the fallback >35 kWh/m² requirement of 4(d) is equally subject to the “to the greatest extent feasible and viable” proviso of 4(c). This should be the case, as the Evidence Base indicates that 35 kWh/m² is intended to be the equivalent of the 39% target, so should be subject to the same consideration of feasibility and viability, not an alternative/fallback standard. A rewording and consolidation of these two policies is therefore requested.

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Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SCC1(5) requires s.106 developer payments into a local authority-administered renewable energy offset fund where the preceding policy requirements concerning on-site renewables are not met. As such the comments made in relation to SCC1(4) on tests of viability are equally applicable to SCC1(5).

Full text:

Policy SCC1(5) requires s.106 developer payments into a local authority-administered renewable energy offset fund where the preceding policy requirements concerning on-site renewables are not met. As such the comments made in relation to SCC1(4) on tests of viability are equally applicable to SCC1(5).

If this requirement were accepted in principle, there remain problems with the evidence used to derive the £1.37/kWh (this is understood to be annual kWh, i.e. a single up-front offset payment for one year's kWh shortfall; the supporting text could make this clearer) figure in the policy.

Firstly, based on the Evidence Base Report and Savills experience, this policy appears to break new ground in requiring an energy-based rather than carbon-based offset price. A similar approach and figure was considered among options in a study for several London Boroughs (https://www.haringey.gov.uk/sites/haringeygovuk/files/delivering_net_zero_-_main_report.pdf) but is not adopted policy. Careful attention to it is required.

The price has been calculated based on costs published by the Department for Energy Security & Net Zero (DESNZ) based on data from the Microgeneration Certification Scheme (MCS) for installations of 10-50 kWp capacity. As the name suggests, these are very small (e.g. single rooftop scale) installations. It is reasonable to consider whether a centralised, local authority-administered scheme would be likely to pool contributions to develop larger installations with economies of scale. This likelihood is discussed in the Evidence Base Report. It states (Cost Appendix, Table 1, page 6) that "it is assumed that the Council's delivered projects will use funds pooled from multiple contributions, allowing economies of scale to be achieved". It notes that the cost for >10 kWp installations, still from the MCE data, is much lower at £0.98/kWh. This implies a 40% margin to the local authority from such developer contributions may be realised. The Evidence Base states that this would "provide room" for administrative costs but there is no specific evidence given as to the scale of those costs, and a 40% margin is much greater than any reasonable scheme administration cost.

Furthermore, administration costs are being double-counted in the Evidence Base. Output 4 - Offsetting Appendix, page 12, shows that the £1.37/kWh figure is actually calculated from £1.24/kWh plus a 10% margin for administration and delivery. This means the £1.37/kWh already includes an allowance for the overhead. It is also noted that the Cost Appendix (Output 4 – Offsetting, Rev 1. 6 August 2024), Table 1 at one point states "The cost of £1.35/kWh used in the calculation..." [of cost for policy SCC1(5); emphasis added]. This slightly lower figure may be a typographical error or may indicate that a different number was erroneously used in viability calculations.

It is not clear that microgeneration-scale costs are the correct benchmark for a centrally-administered energy offset scheme which is likely to develop larger installations. Based on the data in the DESNZ levelised cost of energy report for energy generation technologies in 2023 (<https://assets.publishing.service.gov.uk/media/6556027d046ed400148b99fe/electricity-generation-costs-2023.pdf>), Tables 2 and 3, the cost of solar PV and onshore wind can be calculated as £0.24/kWh and £0.64/kWh respectively, expressed in the same way as the Sandwell cost. These are projected by DESNZ to decrease further in future. Given the range of costs depending on scale of installation, the £1.37/kWh figure appears to represent the high end, and the viability of requiring lower figures has not been fully considered.

Besides assuming microgeneration-scale schemes, the approach taken to the cost in policy SCC1(5) also effectively assumes a lock-in to solar PV in the Council's energy offsetting portfolio. With recent national policy changes, onshore wind may also be viable and have lower cost than microgeneration-scale solar PV.

Finally, the Sandwell Local Plan does not appear to have given consideration to developing a Local Area Energy Plan (LAEP) nor to integrating in the future with a Regional Energy Strategic Plan (RESP). The LAEP framework, as used by other authorities such as Peterborough City Council (

<https://democracy.peterborough.gov.uk/documents/s48237/6.%20Appendix%201%20Peterborough%20Local%20Area%20Energy%20Plan.pdf>), sets an evidence-based approach to energy projects within a local authority to meet decarbonisation goals. Ofgem's forthcoming RESP framework provides a regional Strategic Board (made up of local and devolved government and network company representatives) to plan for the energy system co-operatively. These processes, including the regional co-operation between neighbouring authorities that they favour, are material to how any energy offsetting fund administered by Sandwell can most cost-efficiently meet its goals, and therefore to the price set for s.106 contributions in this regard.

Change suggested by respondent:

Policy SCC1(5) requires s.106 developer payments into a local authority-administered renewable energy offset fund where the preceding policy requirements concerning on-site renewables are not met. As such the comments made in relation to SCC1(4) on tests of viability are equally applicable to SCC1(5).

If this requirement were accepted in principle, there remain problems with the evidence used to derive the £1.37/kWh (this is understood to be annual kWh, i.e. a single up-front offset payment for one year's kWh shortfall; the supporting text could make this clearer) figure in the policy.

Firstly, based on the Evidence Base Report and Savills experience, this policy appears to break new ground in requiring an energy-based rather than carbon-based offset price. A similar approach and figure was considered among options in a study for several London Boroughs (https://www.haringey.gov.uk/sites/haringeygovuk/files/delivering_net_zero_-_main_report.pdf) but is not adopted policy. Careful attention to it is required.

The price has been calculated based on costs published by the Department for Energy Security & Net Zero (DESNZ) based on data from the Microgeneration Certification Scheme (MCS) for installations of 10-50 kWp capacity. As the name suggests, these are very small (e.g. single rooftop scale) installations. It is reasonable to consider whether a centralised, local authority-administered scheme would be likely to pool

contributions to develop larger installations with economies of scale. This likelihood is discussed in the Evidence Base Report. It states (Cost Appendix, Table 1, page 6) that “it is assumed that the Council’s delivered projects will use funds pooled from multiple contributions, allowing economies of scale to be achieved”. It notes that the cost for >10 kWp installations, still from the MCE data, is much lower at £0.98/kWh. This implies a 40% margin to the local authority from such developer contributions may be realised. The Evidence Base states that this would “provide room” for administrative costs but there is no specific evidence given as to the scale of those costs, and a 40% margin is much greater than any reasonable scheme administration cost.

Furthermore, administration costs are being double-counted in the Evidence Base. Output 4 - Offsetting Appendix, page 12, shows that the £1.37/kWh figure is actually calculated from £1.24/kWh plus a 10% margin for administration and delivery. This means the £1.37/kWh already includes an allowance for the overhead. It is also noted that the Cost Appendix (Output 4 – Offsetting, Rev 1. 6 August 2024), Table 1 at one point states “The cost of £1.35/kWh used in the calculation...” [of cost for policy SCC1(5); emphasis added]. This slightly lower figure may be a typographical error or may indicate that a different number was erroneously used in viability calculations.

It is not clear that microgeneration-scale costs are the correct benchmark for a centrally-administered energy offset scheme which is likely to develop larger installations. Based on the data in the DESNZ levelised cost of energy report for energy generation technologies in 2023 (<https://assets.publishing.service.gov.uk/media/6556027d046ed400148b99fe/electricity-generation-costs-2023.pdf>), Tables 2 and 3, the cost of solar PV and onshore wind can be calculated as £0.24/kWh and £0.64/kWh respectively, expressed in the same way as the Sandwell cost. These are projected by DESNZ to decrease further in future. Given the range of costs depending on scale of installation, the £1.37/kWh figure appears to represent the high end, and the viability of requiring lower figures has not been fully considered.

Besides assuming microgeneration-scale schemes, the approach taken to the cost in policy SCC1(5) also effectively assumes a lock-in to solar PV in the Council’s energy offsetting portfolio. With recent national policy changes, onshore wind may also be viable and have lower cost than microgeneration-scale solar PV.

Finally, the Sandwell Local Plan does not appear to have given consideration to developing a Local Area Energy Plan (LAEP) nor to integrating in the future with a Regional Energy Strategic Plan (RESP). The LAEP framework, as used by other authorities such as Peterborough City Council (<https://democracy.peterborough.gov.uk/documents/s48237/6.%20Appendix%201%20Peterborough%20Local%20Area%20Energy%20Plan.pdf>), sets an evidence-based approach to energy projects within a local authority to meet decarbonisation goals. Ofgem’s forthcoming RESP framework provides a regional Strategic Board (made up of local and devolved government and network company representatives) to plan for the energy system co-operatively. These processes, including the regional co-operation between neighbouring authorities that they favour, are material to how any energy offsetting fund administered by Sandwell can most cost-efficiently meet its goals, and therefore to the price set for s.106 contributions in this regard.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SSC I – Energy Infrastructure

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

All of the above points raised in our representations to Policy SSC I need to be addressed to ensure that the policy is justified, effective and consistent with national policy, in accordance with the requirements of a 'sound' local plan, as set out in paragraph 35 of the NPPF. It is essential that the policy requirements are based on proportionate evidence, are deliverable over the plan period and enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy. At present this is not the case for the reasons detailed.

Full text:

The justification text for this policy (paragraph 5.32) prescriptively lists three methods and states that alternatives proposed by an applicant will be subject to consideration by the Council on evidence-based merits. However, as these are guidance and certification documents in an emerging field (not specified calculation methodologies to establish a particular performance figure for policy compliance), the prescription of particular methods (with Council approval required for alternatives) is not considered necessary or reasonable. There is no evidence given as to the costs of each method in the Evidence Base, which merely states "not expected to create a significant additional amount of cost". However, certification standards such as PassivHaus (one of those listed) go well beyond the requirement of SSC I (6) and are likely to incur material costs both to compliance and certification.

Overall, all of the above points raised in our representations to Policy SSC I need to be addressed to ensure that the policy is justified, effective and consistent with national policy, in accordance with the requirements of a 'sound' local plan, as set out in paragraph 35 of the NPPF. It is essential that the policy requirements are based on proportionate evidence, are deliverable over the plan period and enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy. At present this is not the case for the reasons detailed.

Change suggested by respondent:

All of the above points raised in our representations to Policy SSC I need to be addressed to ensure that the policy is justified, effective and consistent with national policy, in accordance with the requirements of a 'sound' local plan, as set out in paragraph 35 of the NPPF. It is essential that the policy requirements are based on proportionate evidence, are deliverable over the plan period and enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy. At present this is not the case for the reasons detailed.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

1513

Object

Document Element: Policy SCC3 – Climate-adapted Design and Construction

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SSC3(4) is not considered to be sound because its requirements are not justified by appropriate evidence.

Full text:

Policy SSC3(4) is not considered to be sound because its requirements are not justified by appropriate evidence.

This policy specifies that the national building regulations Part O simplified method is not considered acceptable, and requires additional CIBSE TM59 thermal modelling. There is no clear justification or viability assessment in the Evidence Base Report for why the nationally-accepted method is considered unacceptable in all cases for major development. TM59 thermal modelling is a more onerous exercise. As part of the FHS consultation referenced above, the government has also requested comments on the existing Part O methods ahead of a potential revision to Part O. As such it is not considered justified for the policy to exceed the national requirement in this case, particularly as the national requirement is under revision.

Change suggested by respondent:

This policy specifies that the national building regulations Part O simplified method is not considered acceptable, and requires additional CIBSE TM59 thermal modelling. There is no clear justification or viability assessment in the Evidence Base Report for why the nationally-accepted method is considered unacceptable in all cases for major development. TM59 thermal modelling is a more onerous exercise. As part of the FHS consultation referenced above, the government has also requested comments on the existing Part O methods ahead of a potential revision to Part O. As such it is not considered justified for the policy to exceed the national requirement in this case, particularly as the national requirement is under revision.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SCC4 - Embodied carbon and waste

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SSC4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SSC4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

SCC4(1) Embodied carbon reporting - This policy prescribes the use of RICS Whole Life Carbon Assessment guidance without specifying a particular version or publication. Whilst the RICS guidance (2nd Edition, Version 3, August 2024) is one example of good practice for this type of assessment, there are others in use such as the GLA's whole life carbon guidance or the UK Green Building Council's guidance ; and over the life of the Local Plan, other guidance may be published and come to be widely used. It would be more appropriate to reference an approach compliant with the underlying BS EN 15978 standard rather than a particular guidance document.

Secondly, it is usually not meaningfully possible to complete a detailed Whole Life Carbon assessment at the outline planning stage. Whilst the typical structure of assessment put forward by RICS and others can be followed, much information will be unavailable or require generic assumptions at the outline stage, and full compliance with the RICS standard is not likely to be feasible. The GLA guidance recognises this with two stages of assessment for outline and detailed design.

The wording of policy SCC4(1) should therefore allow for a two-stage approach between outline planning and reserved matters (with level of detail appropriate to each) or require the WLC assessment only for full planning / reserved matters applications.

SCC4(4) Demolition audits - This policy requires a minimum size threshold for demolished buildings/structures to be reasonable. A full pre-demolition audit following BRE guidance for, e.g., a small section or wall or outbuilding on a site would not be reasonable or beneficial. Policy wording requiring consideration to be given to materials re-use in such cases, without a full audit, is requested.

Change suggested by respondent:

Policy SSC4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

SCC4(1) Embodied carbon reporting - This policy prescribes the use of RICS Whole Life Carbon Assessment guidance without specifying a particular version or publication. Whilst the RICS guidance (2nd Edition, Version 3, August 2024) is one example of good practice for this type of assessment, there are others in use such as the GLA's whole life carbon guidance or the UK Green Building Council's guidance ; and over the life of the Local Plan, other guidance may be published and come to be widely used. It would be more appropriate to reference an approach compliant with the underlying BS EN 15978 standard rather than a particular guidance document.

Secondly, it is usually not meaningfully possible to complete a detailed Whole Life Carbon assessment at the outline planning stage. Whilst the typical structure of assessment put forward by RICS and others can be followed, much information will be unavailable or require generic assumptions at the outline stage, and full compliance with the RICS standard is not likely to be feasible. The GLA guidance recognises this with two stages of assessment for outline and detailed design.

The wording of policy SCC4(1) should therefore allow for a two-stage approach between outline planning and reserved matters (with level of detail appropriate to each) or require the WLC assessment only for full planning / reserved matters applications.

SCC4(4) Demolition audits - This policy requires a minimum size threshold for demolished buildings/structures to be reasonable. A full pre-demolition audit following BRE guidance for, e.g., a small section or wall or outbuilding on a site would not be reasonable or beneficial. Policy wording requiring consideration to be given to materials re-use in such cases, without a full audit, is requested.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SHW4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SHW4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Part 2 of Policy SHW4 states that on new housing sites of 2ha or over, new unrestricted open space at a minimum ratio of 3.63 hectares of space per 1,000 population will be required, and that the open space will be provided on site.

It is agreed that new developments should have access to sufficient open space to serve the needs of its future residents. Such open space could be provided on site or in the surrounding area. The amount and type of additional open space required should also be related on to the provision and quality of existing open space near to the site. However, it is highlighted that, due to the constrained urban nature of Sandwell, flexibility will be required in relation to the provision of open space within new developments. The pressing need for new homes will have to be balanced against the amount of open space required for such development. The quality of open space, as opposed to simply the quantity, should be a key factor when considering proposals for new housing development. As such, whilst FCC Environment acknowledges the importance of providing open space for the residents of Sandwell, numerical standards should not be set in policy without the policy wording containing sufficient flexibility to take into account the specific characteristics of individual sites and schemes.

It is noted that SHW4 includes wording that states that where the required provision of open space on-site would make the development unviable or where there is no physical capacity to include it, the Council will accept a commuted sum for nearby off-site provision in lieu, or for the improvement of existing facilities within walking distance. Whilst acknowledgement is welcomed that some sites may not be able to physically provide a policy compliant level of onsite open space, the requirement for a financial contribution towards off-site site provision should also be subject to a viability test

Additionally, the ratio of 3.63 hectares of space per 1,000 population, set out in the policy needs to be supported by clear evidence. The Draft Green Spaces Strategy Implementation and Business Plan 22/23 – 25/26 notes that ‘Sandwell Borough has significant amounts of green space, which make up nearly 24% of the total land area’ (paragraph 3.3). As such there should be scope for flexibility to ensure that residential schemes can come forward with a flexible approach to open space provision when required.

Change suggested by respondent:

It is noted that SHW4 includes wording that states that where the required provision of open space on-site would make the development unviable or where there is no physical capacity to include it, the Council will accept a commuted sum for nearby off-site provision in lieu, or for the improvement of existing facilities within walking distance. Whilst acknowledgement is welcomed that some sites may not be able to physically provide a policy compliant level of onsite open space, the requirement for a financial contribution towards off-site site provision should also be subject to a viability test

Additionally, the ratio of 3.63 hectares of space per 1,000 population, set out in the policy needs to be supported by clear evidence. The Draft Green Spaces Strategy Implementation and Business Plan 22/23 – 25/26 notes that ‘Sandwell Borough has significant amounts of green space, which make up nearly 24% of the total land area’ (paragraph 3.3). As such there should be scope for flexibility to ensure that residential schemes can come forward with a flexible approach to open space provision when required.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

The draft plan recognises that there is a finite supply of land readily available for development in Sandwell Borough and it is very likely that it would not currently be possible to meet the full extent of the Sandwell housing need within the Sandwell Council administrative area. In light of this it is essential that Sandwell Council makes the best use of the land which is available in the Borough. The Edwin Richards Quarry (ERQ) site represents an excellent opportunity to deliver a significant amount of housing, within the next Local Plan period and into the subsequent Local Plan period.

Full text:

It is noted that Sandwell Council needs to identify land for 26,350 homes by 2041. However, as set out in Policy SHO1 the supply of suitable residential land identified by Sandwell Council stands at 10,434 homes, leaving an unmet need for 15,916 homes in the Plan period.

However, the draft plan recognises that there is a finite supply of land readily available for development in Sandwell Borough and it is very likely that it would not currently be possible to meet the full extent of the Sandwell Borough housing need within the Sandwell Council administrative area. In light of this it is essential that Sandwell Council makes the best use of the land which is available in the Borough. The Edwin Richards Quarry (ERQ) site represents an excellent opportunity to deliver a significant amount of housing, within the next Local Plan period and into the subsequent Local Plan period.

In relation to the housing allocations proposed, the inclusion of ERQ (site ref. SH37) is strongly supported. The proposed allocation suggests a capacity of c.526 dwellings in the Plan period; with a further c.100 dwellings in the post-Plan period (total site capacity c.626 dwellings). It is noted that this quantum includes the reserved matters planning permission (ref. DC/23/67924) for 278 dwellings in the western area of the ERQ site.

This proposed quantum of development at ERQ set out in the draft allocation is considered to be sensible, conservative and achievable at this time. There is also the potential for further housing, over and above the 626 dwelling figure to come forward on site during and / or beyond the Plan period. The final capacity of the site will be dependent on the restoration programme for the site, the speed of infilling and detailed masterplanning.

It is also noted that a battery energy storage system facility is proposed on site, with installation expected in 2025 (see screening opinion DC/23/68263). This is likely to be operational on site until circa 2055. The presence of the battery energy storage system is not anticipated to preclude the delivery of the identified c. 526 dwellings during the Local Plan period. The location of the battery energy storage system will be taken into account as part of the planning and delivery of the final phases of residential development.

The current quarry void has approximately 5.1 million metres cubed of capacity until it is filled with soils and similar non-putrescible materials. Using a cubed density of 1.5 results in a remaining infill tonnage of 7.65 million tonnes of material (soil). Over past years the infill rates have varied as would be expected for a commercial operation of this type not backed by long term guaranteed contracts. As such the annual quantum of fill may vary but realistically the quarry could be filled within 12.75 years subject to annual inputs of circa 600,000te. This represents a reasonable assumption, but it should however be noted that this cannot be guaranteed and the landfill completion, may ultimately take longer if less materials is available than currently expected.

On the basis that FCC Environment cannot guarantee the rate of material to be deposited on site each year, two trajectories are provided to show potential build out rates on site based on differing rates of landfill.

Trajectory v3.1 predicts the landfill operations ceasing by 2033, assuming c.800,000 tonnes entering site on average a year. While a fill rate of c.1 million tonnes has been achieved in a year previously it is at the higher level of fill expected, 800,000 tonnes is considered a more realistic rate. This would thus allow residential development to commence on phases 7-9 in 9.6 years equating to 2034 (assuming that the necessary planning permission is secured during the early 2030s). While this level of fill is unlikely over a sustained number of years. the trajectory shows how on this basis the site could potentially be built out during the Plan period.

Trajectory v3.2 demonstrates the implications of a reduced rate of fill (c.600,000 tonnes per year for 12.75 years) and shows that it would still be possible to achieve 526 dwellings in the Plan period whilst retaining a reasonable and deliverable assumption of 40-45 dwellings completed per year. We would highlight that in Savills experience, in recent years some developers have been achieving 50+ completions per year on a single site.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Not specified

Attachments:

1517

Object

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SHO3(2) is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SHO3(2) is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Part 2 of Policy SHO3 requires new schemes of 10 homes or more to achieve the densities and accessibility standards set out in Table 6 'Minimum Housing Densities and Accessibility'. However, given the limited land available for development in Sandwell, these requirements are considered to be overly prescriptive. The policy should acknowledge that site specific circumstances, housing mix and design approach (including in relation to public realm and car parking), will inform the appropriate density for a site. Some sites which can deliver a significant amount of high quality residential development may not meet the specific accessibility standards set out in Table 6 but are still appropriate residential sites.

It is noted that NPPF paragraph 124 seeks out a range of factors which should be taken into account in demonstrating efficient use of land. Policy SHO3 should be sufficiently flexible to enable these to be accommodated. The use of minimum densities across the Plan area is not required by the NPPF.

Change suggested by respondent:

Part 2 of Policy SHO3 requires new schemes of 10 homes or more to achieve the densities and accessibility standards set out in Table 6 'Minimum Housing Densities and Accessibility'. However, given the limited land available for development in Sandwell, these requirements are considered to be overly prescriptive. The policy should acknowledge that site specific circumstances, housing mix and design approach (including in relation to public realm and car parking), will inform the appropriate density for a site. Some sites which can deliver a significant amount of high quality residential development may not meet the specific accessibility standards set out in Table 6 but are still appropriate residential sites

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: Policy SHO4 - Affordable Housing

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SHO4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SHO4 is not considered to be sound, in accordance with paragraph 35 of the NPPF, as its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

While the policy refers to affordable housing being provided 'where financially viable'. It is considered that the following wording revision to policy is required for clarity:

2. All developments of ten homes or more should provide a proportion of affordable housing on site where this is financially viable. Only in exceptional circumstances would a commuted sum be acceptable instead of on-site provision. Smaller sites, which could reasonably be expected to form part of a major development in the future, will also need to take this policy into account. The minimum proportion of affordable housing that should be provided, subject to financial viability, is.....

Additionally, it is noted that policy SHO4 has been revised to set out that on all sites in higher value areas, 25% affordable housing should be provided, whether they are greenfield sites or brownfield sites.

The evidence set out in the Local Plan Viability Report which concludes that in higher value areas brownfield sites can provide 25% affordable housing is questioned. A range of necessary remediation works and associated costs may result from developing brownfield sites and will be specific to the circumstance of each site. This uncertainty in relation to costs needs to be factored into the rationale for the policy and the supporting viability evidence.

Policy should encourage the redevelopment of brownfield sites as a priority. In doing so it needs to acknowledge that sites such as the Edwin Richards Quarry, in their current condition, are brownfield sites which can deliver significant amounts of development but also have unique abnormal development costs in relation to issues such as ground stability and foundation design.

At present the Local Plan Viability Addendum (Sept. 2024) assesses the viability of 9no. brownfield sites in the high value area. Of those sites only one is close to the size of the Edwin Richard Quarry site, at 350 units. All of the high value brownfield sites are found to be either marginally viable or not viable at all when tested against 25% affordable housing delivery under the 'worst case' scenario, which is fully policy-compliant and 'represents a more conservative approach, designed to test the robustness of the Local Plan under challenging conditions' (paragraph 6.68). The 'pragmatic' scenario shows more of the tested sites being viable, although this is based on reduced building costs and it is unclear what quantum of abnormal costs has been factored in.

In light of the need to redevelop brownfield sites and the expected higher development costs, it is considered that Part 2a. should states 'On all sites in a lower zone and brownfield sites in medium and higher value areas – 10% affordable housing'.

Change suggested by respondent:

While the policy refers to affordable housing being provided 'where financially viable'. It is considered that the following wording revision to policy is required for clarity:

2. All developments of ten homes or more should provide a proportion of affordable housing on site where this is financially viable. Only in exceptional circumstances would a commuted sum be acceptable instead of on-site provision. Smaller sites, which could reasonably be expected to form part of a major development in the future, will also need to take this policy into account. The minimum proportion of affordable housing that should be provided, subject to financial viability, is.....

In light of the need to redevelop brownfield sites and the expected higher development costs, it is considered that Part 2a. should states 'On all sites in a lower zone and brownfield sites in medium and higher value areas – 10% affordable housing'.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

1519

Object

Document Element: Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SHO5(2-5) is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SHO5(2-5) is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Parts 2-5 of Policy SHO5 state that on developments of 100 homes or more, where there is currently a demand for self-build and custom build plots (defined as the number of entries added to the self-build and custom build register in the most recent base period for the local authority where the site is located), at least 5% of plots should be made available for self-build or custom build, or sufficient to match demand if lower.

Sandwell Council has not provided sufficient evidence to support the requirements set out in Part 2. The Planning Practice Guidance (PPG) (Reference ID: 57-025-201760728) sets out ways in which the Council should consider supporting self and custom build which includes: developing policies in their Local Plan for self-build and custom housebuilding and “engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding” [Savills emphasis]. There is no requirement in the PPG for self or custom build plots to be provided as part of allocations and landowners should only be ‘encouraged to consider’ promoting their land for self and custom build housing.

The policy does refer to this being a requirement only where there is a demand through the self-build and custom build register. However, it is highlighted that the register does not test whether people have the means to acquire the land and privately construct their own property. There are also practical issues to consider in providing self and custom building housing plots on an allocated site. For example, the day to day operation of such sites and consideration of potential health and safety issues of having multiple individual construction sites within one development. It is also necessary to understand what approach Sandwell Council is expecting self-build projects to take where a site being brought forward by a national housebuilder is the subject of a design code.

The provision of self or custom build plots should be the subject of discussion with those who have expressed an interest, and once the Council has an understanding of the type and range of sites that are sought, allocations (for example in the form of clusters) could be identified for self and custom build opportunities within Sandwell or such sites can alternatively come forward within the windfall allowance.

Change suggested by respondent:

The provision of self or custom build plots should be the subject of discussion with those who have expressed an interest, and once the Council has an understanding of the type and range of sites that are sought, allocations (for example in the form of clusters) could be identified for self and custom build opportunities within Sandwell or such sites can alternatively come forward within the windfall allowance.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

1520

Object

Document Element: Policy SDM2 – Development and Design Standards

Respondent: FCC Environment [47]

Agent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

Policy SDM2 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Full text:

Policy SDM2 is not considered to be sound, in accordance with paragraph 35 of the NPPF, because its requirements are not justified by appropriate evidence and the current wording is not effective in relation to enabling the deliverability of future sustainable development.

Part 1 of Policy SDM2 states that new residential development (including the conversion of buildings) will be required to meet the Nationally Described Space Standards (NDSS), except where it can be clearly evidenced that the implementation of the NDSS would cause harm to the significance of a heritage asset.

As set out in NPPF para 130 (part f) and footnote 49, “policies may also make use of the NDSS where the need for an internal space standard can be justified”. The need for a policy which requires all new homes to be NDSS compliant should therefore be supported by an up to date evidence base, demonstrating the need for the policy, the implications on housing delivery and viability, and the timing of when such a requirement should be brought in. This has not been produced to support Policy SDM2.

It is considered that a flexible approach to the application of NDSS should be included in policy, to ensure that high quality homes of various sizes and costs can be brought forward across Sandwell and that best use is made of land available.

Change suggested by respondent:

It is considered that a flexible approach to the application of NDSS should be included in policy, to ensure that high quality homes of various sizes and costs can be brought forward across Sandwell and that best use is made of land available.

Legally compliant: No

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Appearance at the examination

Oral exam why: Proposed policies within the Sandwell Local Plan have the potential to negatively impact on the delivery of housing development in the area. These should be addressed in detail at the Local Plan hearing sessions.

Attachments: None

Document Element: DUDLEY PORT AND TIPTON

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

N.B As part of this submission and including objections of soundness for SH35 and SH36, please find enclosed a petition of those named supporting these comments which should be used as a barometer of public opposition to residential development in this location. Please also refer to attached FOS evidence PDF which cites relevant material in numbered parentheses.

Remove paragraph and withdraw site allocation, which we will comment on in separate forms. This site is in two separate land ownerships and includes a still hazardous rattlechain waste lagoon containing tens of tonnes of white phosphorus, a banned rat poison that has provenly caused systemic exposure and deaths of many wildfowl. (11), (12), (13), (14), (15), (16). Waste from millions of filled WW2 weapons were deposited there by Albright and Wilson since 1942 and a site licence operated from 1978. (1), (2), (3), (4), (5), (6), (7), (8), (9) (10). No safeguards were in place by the EA or Sandwell council to stop harm to receptors and the "problem" Sandwell council speaks of is that we exposed the failure of regulation in what was being dumped and harming receptors over decades. This site remains unsafe and when dewatered, P4 catches fire when exposed to air- thus risking harm under P2A of the EPA.(16), (17)

The adjacent site contains over tipped foundry sand under the auspices of failed planning applications by Mintworth, many in the control of Sandwell Council and more site licences that have left it in the abandoned state that it is in. Note this site was also proposed in the 2011 adopted SAD under examination and has totally failed to get any further despite assurances from the agents of the then owners. The inclusion of the lagoon was withdrawn at a late stage and the site owners of the lagoon claimed that filling a hole with a mound was not technically feasible. (21)NB this was also the findings of a 1990 report by Cremer and Warner which then estimated £3.5 M to remove the waste from the non lagoon side off site. Many thousands of tonnes of foundry sand were then tipped after this date for another 11 years, in an operation which was supposedly only going to take two! The cost today therefore will be tens of millions to remove this waste off site, and how long will this take- well beyond the life of the plan we would consider. Many records are on file known to SMBC planners about the "misery that this directionless operation to "reclaim" land as private open space" caused residents on the Temple Way Estate, blackening their homes with foundry sand. (23), (24), (25), (26), (27).

SMBC in their SWOT analysis of the site in 2017 DPSPD stated as threats "CONTAMINATED LAND REMEDIATION COSTS", "INAPPROPRIATE DEVELOPMENT"https://www.whatdotheyknow.com/request/dudley_port_supplementary_planni/response/986421/attach/2/attachment.pdf

and we would agree that this site should not be remediated by the tax payer in the same way that previous Mintworth tipping sites The Coneygree site, (now under the same ownership as the non lagoon side), and Shidas Lane in Oldbury, also used as tips and then abandoned in our view for a land banking opportunity when a public funding opportunity arises. (22), (28). The polluter has not paid to remediate this site. How many more years and plans should this nonsense continue into? The reliability of previous consultant reports (Sladen) and any future ones require greater scrutiny, are scarcely believable and it is incredible that the council in this plan carry this site forward yet again. The site is therefore unrealistic in delievering homes and the plan is not effective with the inclusion of this paragraph. A former principle planning officer at SMBC described the development of the former sewage works- a previous part of the tipping operations as "a cr£p site for residential"- an email showing perhaps what planners in the council really believe to be the case. (19) Residents living next to the lagoon were not given information about the site and lost money trying to re sell (20).

Better use of the site would be to extend the area of Sheepwash as a SINC, with rare species and plants identified on the site. (31) NPPF DEC 2023 P 185 "Habitats and biodiversity relevant, but council have failed to pre assess private land sites in their BNG habitat banks.

NPPF DEC2023 Ground conditions and pollution P189, 190,191 also relevant to the unsound inclusion of this site.

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: DUDLEY PORT AND TIPTON

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

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REMOVE ALLOCATION FOR RESIDENTIAL USE. Lagoon site not compatible with development. Constraints too great for sustainable development. Failure over decades for this site to be suitable for this purpose and the rattlechain lagoon is still a permitted hazardous waste site containing tens of tonnes of highly toxic white phosphorus. (1), (2), (3), (4), (5), (6), (7), (8), (9) (10). When dewatered this produces toxic gases. (16), (17). Not safe or possible to include this land within the allocation- no risk assessment or previous developments on such sites for this scenario.

Permit has not been surrendered and can only be by Rhodia/Solvay when the Environment Agency agrees to this after a completion certificate.

It is not for the owners of the adjacent site nor their neighbours, nor SMBC to believe they are entitled to judge this legal matter , when/if this may even happen and in the time of the Sandwell plan. Similarly SMBC should be mindful of Part 2 a of the EPA and liabilities regards land that has no risk assessment for the scenarios likely from dewatering the lagoon and toxic gases. The EA will not agree to the inclusion of the lagoon in conjunction with a different development on the adjacent site given the time bomb that activity on one site may impact on another. If they do, they are not a fit body to exist.

Similar site in US produced toxic phosphine gas associated with degradation of white phosphorus which was over 2km away from nearest occupancy, and not as here just metres from existing or proposed homes. (16), (17). Council ,HSE and Environment Agency cannot sign this off knowing what scenario would unfold- Risk of significant harm existing and future occupiers being compromised.

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Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Housing Allocations

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Housing Allocations

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1394

Object

Document Element: Housing Allocations

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

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Not relevant for housing figures with inclusion of new Dudley Road site in updated LP.

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Change suggested by respondent:

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Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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We object to the soundness of this policy.

Paragraph 1 is unsound and not justified or effective. The council should NOT allow planning applications based upon environmental consultancies reports which it has no proof are genuine or even truthful in their claims. Many claims have been made about sites SH35 and SH36 which are fantasy in terms of them being suitable for built development with professional bodies like the environment agency not believing achievable aims. This is the same rehashed scheme as the 2011 SAD, and therefore some scrutiny must be applied as to why these sites failed to come forward in the intervening 13 years since, and into the distant future of this plan in the 2030's. Many consultancies carry out desk top studies which offer no insight at all into real world events or conditions and are just written for their clients to deliver development. They are effectively a lie or disingenuous at best. Planning officers in the past have stated they are not technical experts in the fields mentioned, and so how can the council justify recommended approval without expert impartial advice- particularly on sites such as Rattlechain with no previous similar sites in the UK that have been remediated?

"c. land that will potentially become contaminated as a result of the development"; REMOVE- THE COUNCIL ARE ENCOURAGING BREAKING THE LAW IN THIS REGARD AND ENDANGERING PUBLIC LAND AND THE PUBLIC.

Paragraph 2 SOUND, BUT ONLY WITH REMOVAL OF PI C

NPPF Dec 2023 p189-191

"191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

3 UNSOUND. The council open themselves up to contaminated land free for all development with this clause. The council cannot monitor the likely impacts on the environment/watercourses and have failed to stop pollution and statutory nuisances caused by developments of tipping on the site SH35 and SH36 previously to adjoining local resident's properties. (23), (24), (25), (26), (27)

Full text:

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Paragraph 2 SOUND, BUT ONLY WITH REMOVAL OF PI C

NPPF Dec 2023 p189-191

"191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

3 UNSOUND. The council open themselves up to contaminated land free for all development with this clause. The council cannot monitor the likely impacts on the environment/watercourses and have failed to stop pollution and statutory nuisances caused by developments of tipping on the site SH35 and SH36 previously to adjoining local resident's properties. (23), (24), (25), (26), (27)

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1396

Comment

Document Element: Policy SNE1 – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

1 Not needed as no direct connection to these areas. The Fens pool site is poorly managed and its continued status should be investigated by Natural England given the angling activities and destruction which take place there.

Full text:

N.B As part of this submission and including objections of soundness for SH35 and SH36, please find enclosed a petition of those named supporting these comments which should be used as a barometer of public opposition to residential development in this location. Please also refer to attached FOS evidence PDF which cites relevant material in numbered parentheses.

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2 SUPPORT AS SOUND BUT REWORD

“Development will not be permitted where it would alone or in combination with other plans or projects, have an adverse impact or harm on the integrity of nationally (Sites of Special Scientific Interest and National Nature reserves) or regionally (Local Nature Reserves and Sites of Importance for Nature Conservation) designated nature conservation sites.

N.B SMBC failed to consider existing Nature conservation policy with planning application DC_15_58580 in the officer's report stating that planning policy stated it was not a SINC! (29). An FOI request to SMBC stated that Sheepwash had already been designated some 15 years previous in 1999 as a SINC and provided a map of the whole site of designation. (30)

Therefore

INSERT LINE “PLANNING POLICY WILL KEEP UP TO DATE RECORDS OF ALL DESIGNATED SITES NATIONALLY, REGIONALLY AND WITHIN SANDWELL. “

3 SUPPORT AS SOUND.

4 UNSOUND. This paragraph contradicts the previous one making protection meaningless. Not justified as how and who decides on what is a “strategic benefit”? Reducing areas of designation in line with policy SNE2. 10% net gain increase makes this policy a joke and contradiction. Not effective as new designations for protection may evolve over the next 17 years of the plan and may be too late for some species/habitats if not protected from development. REMOVE PARAGRAPH.

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“Over the plan period, Sandwell will update evidence on designated nature conservation sites and Local Nature Reserves as necessary in conjunction with the Local Sites Partnership and Natural England and will amend existing designations in accordance with this evidence. INSERT “NO SITE ALREADY DESIGNATED WILL BE LOST OR DELETED”. Consequently, sites may receive new, or increased, protection over the Plan period.”

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNEI – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

2 SUPPORT AS SOUND BUT REWORD

“Development will not be permitted where it would alone or in combination with other plans or projects, have an adverse impact or harm on the integrity of nationally (Sites of Special Scientific Interest and National Nature reserves) or regionally (Local Nature Reserves and Sites of Importance for Nature Conservation) designated nature conservation sites.

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Full text:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1398

Support

Document Element: Policy SNEI – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

3 SUPPORT AS SOUND.

Full text:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1399

Object

Document Element: Policy SNE1 – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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Full text:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNEI – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

5 SUPPORT AS SOUND

Full text:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1401

Support

Document Element: Policy SNEI – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

6 SUPPORT AS SOUND

Full text:

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Change suggested by respondent:

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Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

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Document Element: Policy SNE1 – Nature Conservation

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

1 Unsound. Do not support SMBC calculation of 10% net gain due to their failure to independently assess private land in allocation proposals like SH35 and SH36. Lepus consulting report for BNG is not a credible piece of evidence to base conclusions upon and is seriously flawed in its assessments and calculations of land only in council ownership. Previous failure to secure 10% gain is noted.

<https://www.expressandstar.com/news/local-hubs/sandwell/tipton/2023/02/21/wildlife-buffer-zone-to-be-removed-to-make-way-for-industrial-warehouse-in-tipton/>

Full text:

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<https://www.expressandstar.com/news/local-hubs/sandwell/tipton/2023/02/21/wildlife-buffer-zone-to-be-removed-to-make-way-for-industrial-warehouse-in-tipton/>

2 a-d In principle sound, but as above, the basis for Sandwell assessing private sites is lost on their failure to already survey them. Their consultant report failed to survey sites properly in terms of habitats, species and different times of year. Only 1 single visit was made to assess their chosen BNG sites which is not acceptable. No apparent correlation/collaboration with Eco record reports, other conservation groups and interested parties, give the impression that this was a rushed bolt on assessment to look credible and a tick box exercise. The report is not credible at all when scrutinised.

3 UNSOUND, REMOVE PARAGRAPH. This will be the actual standard as a result of this policy given the council cannot independently verify any report produced by the applicant. SH35 and SH36 for example are 100% rewilded for the purpose of "private open space". To achieve development of proposed 500 plus houses would require ALL of this to be dug up, every tree and plant uprooted and vast swathes of biodiversity land lost BEFORE any so called "gain" of 10%. In essence the policy is a fraud, not justified and disingenuous and unsound.

4 In principle sound, but same issues as above.

5 Unsound. Do not possibly see a developer being around for 30 years and the council will not be monitoring any onsite activity as it has no baseline to start with that can be independently verified.

6 TOTALLY UNSOUND. Not justified given the poor report it has based its chosen sites on, and the weaknesses of the sites in terms of their poor current scores. No reason stated by council in the Lepus report for exclusion of privately owned sites, or sites like existing LNR SINC sites like Sheepwash that do not even appear to have been considered but ARE owned by Sandwell council! Do not agree with the methodology used to choose these sites.

7 Support as sound, but the previous paragraphs in this policy, particularly privately owned land and lack of surveying compromises this strategy and directly threatens it. Only council owned sites appear to be valued.

8 sound

9 sound. We agree that sites like SH35 and SH36 should be retained as extensions to Sheepwash LNR and become a SINC. SH35 area has very rare small blue butterfly and associated kidney vetch so of important scientific interest and protection from development as a local green space. (31)

10 Unsound. Again what assessments will be made that could lead to developers claiming that all of their sites contain invasive species, and therefore cut down everything on site and then increase that by 10% starting from a baseline of nothing!

11 Sound

12 Sound

Real concern that this policy will fail and become an unworkable licence to destroy anything on a private sites, only to claim 10% back using the council land identified by council BNG on their own land. Council may benefit from this but nature does not. Council need to create more local nature reserves and extend others with land allocations SH35 and SH36 to realise connectivity of sites within Sandwell and beyond as a more appropriate strategy. Also relevant and not mentioned in the publication plan is SMBC FULL council meeting

Notice of Motion – 29 October 2024. Animal Welfare

“Council notes that:

Protecting wildlife and natural habitats is crucial for maintaining biodiversity and ecological balance.”

A choice of certain sites for housing allocations like SH35 and SH36 are not consistent with this motion passed by the full council on the date stated.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

9 sound. We agree that sites like SH35 and SH36 should be retained as extensions to Sheepwash LNR and become a SINC. SH35 area has very rare small blue butterfly and associated kidney vetch so of important scientific interest and protection from development as a local green space. (31)

Full text:

N.B As part of this submission and including objections of soundness for SH35 and SH36, please find enclosed a petition of those named supporting these comments which should be used as a barometer of public opposition to residential development in this location. Please also refer to attached FOS evidence PDF which cites relevant material in numbered parentheses.

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<https://www.expressandstar.com/news/local-hubs/sandwell/tipton/2023/02/21/wildlife-buffer-zone-to-be-removed-to-make-way-for-industrial-warehouse-in-tipton/>

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Real concern that this policy will fail and become an unworkable licence to destroy anything on a private sites, only to claim 10% back using the council land identified by council BNG on their own land. Council may benefit from this but nature does not. Council need to create more local nature reserves and extend others with land allocations SH35 and SH36 to realise connectivity of sites within Sandwell and beyond as a more appropriate strategy. Also relevant and not mentioned in the publication plan is SMBC FULL council meeting Notice of Motion – 29 October 2024. Animal Welfare

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Change suggested by respondent:

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Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

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Attachments:

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Sound: No

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Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

Summary:

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Full text:

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Change suggested by respondent:

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Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1415

Object

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Date received: 07/11/2024 via Email

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1421

Object

Document Element: Housing Allocations

Respondent: Friends of Sheepwash Local Nature Reserve (Mr IAN CARROLL, Chairman) [21]

Petition: 246 petitioners

Date received: 07/11/2024 via Email

Summary:

■ Petition against the housing allocation at land off and including Rattlechain Lagoon (SH35 and SH36).

Full text:

■ Petition against the housing allocation at land off and including Rattlechain Lagoon (SH35 and SH36).

Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: West Bromwich

Respondent: Mr Ghalam Gadair [247]

Date received: 14/11/2024 via Email

Summary:

In the plan there is no mention of any development, regeneration or any plan to make our local area the Lyng estate West Bromwich not only safe and secure but to address issues going back over twenty years.

It needs to be noted that this area had phase 1 regeneration then phase 2 was put on the shelf due to costs however phase one house building was sold on the premise that the whole area would be regenerated revitalised and brought up to date this has not happened to date. After 2008 a lot of businesses were not able to operate they sold off and then we had an influx of bad businesses moving in where the buildings did not match the business use, such as car repairers who then started to use the area as an open scrap yard and to store cars on the public high way.

In addition these are the list of issues affecting the local community

1. Unfit businesses
2. Car storage and nuisance parking
3. Fly tipping and litter
4. Fouling this includes animals and people
5. Air pollution
6. ill health many residents complain of respiratory health issues and cancer appears to be increasing in our neighbourhood
7. Anti social behaviour, criminal damage, harassment and intimidation a lot is to do with the business and how they operate, thefts, alcoholics and drug users and pushers hanging around the area through out the day and night.
8. Units in poor state unfit for the current purpose
9. Businesses exploitation of the local area to benefit themselves through using the local area and highway to store customers cars.
10. Scrap cars left outside business premises parts being taken off eye sore even though this is against their planning permission
11. Fork lift trucks carrying cars in a dangerous manner up and down the road moving them about.
12. Environment has become dangerous for dog walkers due to levels of debris and oil left on the pavements etc
13. Alcoholics and drug users using cars left outside business premises to stay over night and get high.
14. Noise and nuisance
15. Customers emptying the rubbish from their cars onto the road
16. Due to the amount of cars left this attracts unwanted visitors to steal parts
17. residents living in fear of crime

Etc etc

From the above you can see the Lyng Estate which is in the centre of West Bromwich, which has had part one regeneration requires a urgent plan to improve it because the first phase has been affected due to impact on social cohesion, investment, quality of life of local residents etc etc

The residents have already had in the past submitted a lengthy petition in March 2018 to Sandwell Council this resulted in a number of public meetings up to 2021 many promises were made by the heads of service at the time and not kept. The head of planning Ammy Harhoff actually made it very clear that the Lyng estate will now be top priority and will be a flag ship, compulsory purchase orders were to be assessed and process to be instigated and certain units who were at the forefront of ASB were to be first on the list as well as controlling their business practices, it was also understood and acknowledged that there was a shortfall in current expenditure for the area however this figure would not be an obstacle and Sandwell Council were to have an action plan of reducing the number of units in operations by the CPO process in order to save future costs and to pave a way forward for regeneration.

Unfortunately the head of service left and the plan was put on the shelf again, the net result is that we have a community who have raised all of our issues through every possible opportunity and mechanism only to be let down. There was an independent investigation carried out with respects if the conduct by the council the findings were not revealed even though it was agreed they would be.

As stated above examples of what residents endure, their quality of lives are impacted by a list of ever increasing issues which have not been addressed.

Therefore we are disappointed that the Sandwell plan for Sandwell does not include the Lyng area/estate even though we have spent years in high lighting them directly with heads of service, ward councillors and MPs.

We feel it is very important that an area in the middle of West Bromwich which is in a very poor condition and looks like a third world country with smashed up cars littered everywhere and business units being cannibalised to operate against their original intention and design has not been assessed, reviewed, planned for, new flag ship designs, consulted or any consultation taken with residents in a meaningful way, last year a local meeting was held by the housing association for the area and invited all local residents ward councillors attended and a lot of people turned up everyone complained and spoke about the same things especially nuisance parking and car storage again no answers or solutions.

Sandwell plan needs to have knowledge about all local areas and issues and aspirations of local people it is difficult to understand why knowing all the facts and evidence the Lyng estate is ignored there could be different solutions to making the area better and sustainable as opposed to neglecting it and avoiding any responsibility and ignoring evidence.

I hope and pray that the Lyng estate is reviewed again and a common sense practical approach is taken overbuilding anything is never a good idea and in the Lyng estate there are around 9 garages set up shop fixing cars but do not have much in the way of storing cars on their own premises complete nightmare that cannot and has not been managed well by Sandwell Council. Everywhere else around the Lyng estate is being redeveloped and to ignore the obvious is very strange an area at the heart of West Bromwich in shambles

The Lyng area needs to be part of the Sandwell action plan.

Full text:

In the plan there is no mention of any development, regeneration or any plan to make our local area the Lyng estate West Bromwich not only safe and secure but to address issues going back over twenty years.

It needs to be noted that this area had phase 1 regeneration then phase 2 was put on the shelf due to costs however phase one house building was sold on the premise that the whole area would be regenerated revitalised and brought up to date this has not happened to date. After 2008 a lot of businesses were not able to operate they sold off and then we had an influx of bad businesses moving in where the buildings did not match the business use, such as car repairers who then started to use the area as an open scrap yard and to store cars on the public highway.

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From the above you can see the Lyng Estate which is in the centre of West Bromwich, which has had part one regeneration requires a urgent plan to improve it because the first phase has been affected due to impact on social cohesion, investment, quality of life of local residents etc etc

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Unfortunately the head of service left and the plan was put on the shelf again, the net result is that we have a community who have raised all of our issues through every possible opportunity and mechanism only to be let down. There was an independent investigation carried out with respects if the conduct by the council the findings were not revealed even though it was agreed they would be.

As stated above examples of what residents endure, their quality of lives are impacted by a list of ever increasing issues which have not been addressed.

Therefore we are disappointed that the Sandwell plan for Sandwell does not include the Lyng area/estate even though we have spent years in high lighting them directly with heads of service, ward councillors and MPs.

We feel it is very important that an area in the middle of West Bromwich which is in a very poor condition and looks like a third world country with smashed up cars littered everywhere and business units being cannibalised to operate against their original intention and design has not been assessed, reviewed, planned for, new flag ship designs, consulted or any consultation taken with residents in a meaningful way, last year a local meeting was held by the housing association for the area and invited all local residents ward councillors attended and a lot of people turned up everyone complained and spoke about the same things especially nuisance parking and car storage again no answers or solutions.

Sandwell plan needs to have knowledge about all local areas and issues and aspirations of local people it is difficult to understand why knowing all the facts and evidence the Lyng estate is ignored there could be different solutions to making the area better and sustainable as opposed to neglecting it and avoiding any responsibility and ignoring evidence.

I hope and pray that that the Lyng estate is reviewed again and a common sense practical approach is taken overbuilding anything is never a good idea and in the Lyng estate there are around 9 garages set up shop fixing cars but do not have much in the way of storing cars on their own premises complete nightmare that cannot and has not been managed well by Sandwell Council. Everywhere else around the Lyng estate is being redeveloped and to ignore the obvious is very strange an area at the heart of West Bromwich in shambles

The Lyng area needs to be part of the Sandwell action plan.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified

Attachments:

1290

Comment

Document Element: Purpose of this Statement

Respondent: Holly Harrison [291]

Date received: 25/09/2024 via Web

Summary:

The phrasing 'local sustainability factors may allow for a reduction in off-street parking requirements' doesn't sufficiently allow the local planning authority to approve lower car parking on sites that are accessible to public transport and take into account low car ownership, as per Chapter 12 of the NPPF. The wording should be changed to 'local sustainability factors SHOULD allow for a reduction in off-street parking requirements'. Otherwise this isn't in the spirit of the NPPF in promoting more dense and sustainable design (ie less car parking) in appropriate locations such as near train stations/bus stops/town centres.

Full text:

The phrasing 'local sustainability factors may allow for a reduction in off-street parking requirements' doesn't sufficiently allow the local planning authority to approve lower car parking on sites that are accessible to public transport and take into account low car ownership, as per Chapter 12 of the NPPF. The wording should be changed to 'local sustainability factors SHOULD allow for a reduction in off-street parking requirements'. Otherwise this isn't in the spirit of the NPPF in promoting more dense and sustainable design (ie less car parking) in appropriate locations such as near train stations/bus stops/town centres.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

1291

Object

Document Element: Residential Parking Standards for Housing

Respondent: Holly Harrison [291]

Date received: 25/09/2024 via Web

Summary:

Wording should be 'The Council WILL consider reduced off street parking provision' to give planning officers strong policy wording to justify lower parking for appropriate sites. Not strong enough wording and therefore is not in the spirit of the NPPF which promotes sustainable development.

Full text:

Wording should be 'The Council WILL consider reduced off street parking provision' to give planning officers strong policy wording to justify lower parking for appropriate sites. Not strong enough wording and therefore is not in the spirit of the NPPF which promotes sustainable development.

Change suggested by respondent:

Wording should be 'The Council WILL consider reduced off street parking provision' to give planning officers strong policy wording to justify lower parking for appropriate sites. Not strong enough wording and therefore is not in the spirit of the NPPF which promotes sustainable development.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Written Representation

Attachments: None

1292

Object

Document Element: Innovative use of design solutions

Respondent: Holly Harrison [291]

Date received: 25/09/2024 via Web

Summary:

■ Minimum parking standards outdated and inappropriate for assessing whether development is sustainable in terms of Transportation

Full text:

■ Minimum parking standards outdated and inappropriate for assessing whether development is sustainable in terms of Transportation

Change suggested by respondent:

■ Change minimum parking standards to maximum parking standards

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Written Representation

Attachments: None

Document Element: Sandwell Spatial Portrait

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: What is driving the Vision for Sandwell?

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

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Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

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Policy SH02 clause 2, c. - We support this clause.

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Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

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SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

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British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Vision for Sandwell

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Vision - We welcome the many references to the historic environment within the vision.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

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SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Ensuring delivery of the Vision, priorities and strategic objectives

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

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Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

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Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

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Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building

consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have

raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS2 – Increasing efficiency and resilience

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be

beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesday Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS3 – Regeneration in Sandwell
 Respondent: Historic England (Mrs Kezia Taylerson) [102]
 Date received: 11/11/2024 via Email

Summary:

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building

consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have

raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS4 – Towns and Local Areas

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building

consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have

raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE4 - Geodiversity and the Black Country UNESCO Global Geopark

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites ay be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE5 - The Rowley Hills

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SNE5 - We welcome the amendments to this policy for heritage.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SNE6 – Canals

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

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SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

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British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 4. Sandwell's Natural and Historic Environment

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

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Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

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Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the ‘further information’ section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHE1 – Listed Buildings and Conservation Areas

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read ‘...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...’ to ensure that the policy relates to the significance (which is what is protected).

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the ‘ambitions’ of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing ‘heritage assets’ rather than ‘historic assets’.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to ‘heritage assets’ and would benefit from the removal of the term ‘designated’.

Policy SDS2 clause i - Remove ‘unacceptable level of’ from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to ‘call for sites’ as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as ‘heritage assets’ and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read ‘...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...’ to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that ‘all’ heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend ‘significant adverse effect’ with ‘harm’.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHE2 – Development in the Historic Environment

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be

beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesday Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHE3 – Locally Listed Buildings

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

SHE3 - We welcome the amendments to this policy.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHE4 - Archaeology

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 5. Climate Change

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO2 – Windfall developments
 Respondent: Historic England (Mrs Kezia Taylerson) [102]
 Date received: 11/11/2024 via Email

Summary:

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 8. Sandwell's Economy

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SECI – Providing for Economic Growth and Jobs

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SCEI - See previous comments to Regulation 18 consultation.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

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Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

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Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

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Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

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Appendices from Page 11 - Site Allocations

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SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Historic Environment Allocations

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

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Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

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Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWBI - West Bromwich Town Centre

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SWBI - The policy would benefit from a clause on the historic environment.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR1 – Priorities for the Development of the Transport Network

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR2 – Safeguarding the Development of the Key Route Network (KRN)

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR5 – Creating Coherent Networks for Cycling and Walking

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

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Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

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Appendices from Page 11 - Site Allocations

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SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

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Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

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Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR6 – Influencing the Demand for Travel and Travel Choices

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies.

Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA3 – Preferred Areas for New Waste Facilities

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA4 – Locational Considerations for New Waste Facilities

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building

consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have

raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SM11 - Minerals Safeguarding
 Respondent: Historic England (Mrs Kezia Taylerson) [102]
 Date received: 11/11/2024 via Email

Summary:

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SMI2 - Managing the Effects of Mineral Development

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SMI2 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance

of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully

considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDM4 - Advertisements

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDM4 - We welcome a reference to heritage within this policy.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

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Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

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Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

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Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

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Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

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Appendices from Page 11 - Site Allocations

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SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDM3 – Tall Buildings and Gateway Sites

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SMI Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the ‘further information’ section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SDM4 - Advertisements

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDM5 - Shop Fronts and Roller Shutters

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses

within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/

commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations
 Respondent: Historic England (Mrs Kezia Taylerson) [102]
 Date received: 11/11/2024 via Email

Summary:

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

SH66 – Wednesbury Police Station - no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM6 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause l, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Policy SWB1 - The policy would benefit from a clause on the historic environment.

Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

Policy STR6 clause a - Is the policy identifying any strategic park and ride sites at this stage? If so, are there any considerations for the historic environment?

Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

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Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

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SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

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SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate

mitigation measures that can be included within the Plan.

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Wednesbury Town

Respondent: Historic England (Mrs Kezia Taylerson) [102]

Date received: 11/11/2024 via Email

Summary:

We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

Paragraph 9.171 - Can the policy/ Plan do anything to overcome the vacancy rate and heritage at risk of these assets?

Page 306 - We welcome the reference to the Wednesbury High Street Action Zone and its success. Are there any lessons learned from this exercise that can be utilised in other retail areas across Sandwell, which could also benefit from heritage led regeneration? And can the Plan reference any hooks in the relevant sections to assist with future opportunities and delivery.

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Policy STR1 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 1?

Policy STR2 - See comments to Regulation 18 Local Plan. How has the historic environment been considered when safeguarding land for future transport development? For example, do you have any information relating to clause 2?

Policy STR5 - There may be opportunities to 'better reveal the significance' of heritage assets through proposed walking and cycling routes. It would be beneficial if the policy sought to utilise any of these opportunities if they arise.

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Policy SWA3 - What assessment has been undertaken to assess the preferred locations for waste sites and whether there are any implications for the historic environment? We note that no sites have been allocated at this stage but are keen to ensure all relevant heritage considerations and assessments are undertaken at the appropriate stage and that preferred locations for new development does not give any weight in the planning process to an allocation/ planning permission, without the appropriate assessment being undertaken.

Policy SWA4 clause d - The policy needs a clause relating to the historic environment within this section and the need to protect the significance of heritage assets, including their setting. Setting does not only relate to a visual relationship but can also relate to how you can experience a heritage asset and if this is affected through noise, smells and traffic for example.

Policy SM11 - We cannot find any information relating to proposed mineral allocations at this time.

Policy SM12 - We welcome a reference to heritage within clause 5, b) however, we consider that it should state should protect the significance of heritage assets, including their setting. The policy should also make provision for appropriate restoration principles, that consider the sensitivity of the historic environment and wider historic landscape, within which mineral sites may be located.

Paragraph 13.108 - We support the reference to cumulative impacts because often in minerals working, it is the cumulative impact of a number of minerals workings in one location that cause harm to the significance of heritage assets and the wider historic landscape.

It would be beneficial if the justification text referenced the need for appropriate restoration principles for minerals working sites.

Policy SDM4 - We welcome a reference to heritage within this policy.

Policy SDM3 - Clause 1 should reference the available historic environment townscape evidence base that Sandwell Council has and has been referenced elsewhere in the document. Any proposed tall building should take account of its context and other existing landmark sites, such as heritage assets, in gauging what height is appropriate. Referencing the existing evidence base can help inform development proposals. Where a heritage asset is currently a key landmark on the skyline such as a church spire, then this should remain as the principle landmark site on the skyline and other new development should respect its height and position on the skyline.

Clause 5 c) Re-word the policy clause so that 'the proposal will not cause harm to the significance of heritage assets, including their setting'.

Clause 5 g) Consider re-wording this clause to ensure prominence of existing key landmarks remain and to avoid a homogenous skyline within the Borough.

Clause 6 a) how will this be achieved?

Add in a clause to ensure that any applications for tall buildings are accompanied by a Heritage Assessment, where relevant.

We are not aware of any locations that have been identified for tall buildings within this Plan. If the Council are considering locations, then we would welcome a meeting to discuss and ascertain what heritage assessment has been undertaken to date.

Policy SDM4 - The policy should include a clause of how to consider advertisements in relation to heritage assets including individual listed buildings and within Conservation Areas, to ensure that only appropriate advertisements are included and there is no harm to the significance of heritage assets. We usually see this in Local Plan Advertisements policies. Additional information in the justification text would be beneficial.

Policy SDM5 - The policy should include a clause on how to assess Shop Fronts where they are also heritage assets. Some of the clauses within the current policy wording would not be appropriate in the context of historic shop fronts. They are also likely to require listed building

consent, and this would be worthwhile to include within the policy text. We usually see this contained within Local Plan Shopfront policies. Additional information in the justification text would be beneficial.

Appendices from Page 11 - Site Allocations

SH14 – How will the site consider the Grade II heritage asset, within its boundary? What harm may occur and can this be overcome. Cannot locate the specific heritage assessment for this site when searching under the site reference or address.

SH34 – The site includes Ridge and Furrow within the site. The site assessment states that mitigation is possible but there are no details about what the possible mitigation measures are and how this can be considered within the site. We would require the retention of ridge and furrow and appropriate design to consider this heritage asset. At present there is no reference of how to overcome the harm to this site. However, we note that this site is subject to planning approval and as such consider that these issues will have been addressed at planning application stage.

SH51 – The site would need to demonstrate that harm to Highfields, Grade II can be overcome and that suitable mitigation measures are available to avoid/ minimise the harm. There is no proposed mitigation measures within the further information relating to this site in the further information in the Plan, and so we remain concerned with regards to this development.

SM5 – we remain concerned about this site and how the development can come forward given the heritage assets on site and the lack of information surrounding the proposed development at this time. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

Smethwick police station site – no site reference within the assessment - we remain concerned about this site and how the development can come forward given the heritage assets in close proximity to the site and the lack of information surrounding the proposed development at this time. The mitigation measures in the assessment are not suitable to assess whether any harm to heritage could be avoided. There is no information within the appendices relating to the site allocations for this site and whether there are any mitigation measures that are suitable to avoid/ minimise the harm to heritage assets.

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Former Corus Premises – unclear from information in the Plan – is no development proposed on this site? The heritage assessment states there are heritage assets to consider but no further development and no reference within the Plan to the potential for harm or appropriate mitigation measures.

British Gas – Land off Dudley Road – it is possible for harm to occur to the Canal Conservation Area and a mitigation measure could be included to ensure appropriate design and siting to ensure harm avoided to the canal and the potential for it to have an enhancement opportunity if appropriate development considerations were taken forward.

Roway Lane, Oldbury – what heritage asset is the heritage assessment referring to and how will development not harm any heritage asset on the site? Unclear on the evidence base relating to this site.

SH44 Wyndmill Farm – the assessment relates to Bustleholm Farm as a heritage asset. What type of heritage asset is this? We cannot find it located on the National List. The assessment states no further development on this site, is this correct?

SM2 – concerns relating to this site. There are a number of heritage assets listed in the site assessment as being in proximity to the site, including the presence of archaeology on the site. The assessment concludes no harm but we consider a more detailed heritage assessment is required for this site to understand what heritage may be impacted and whether there are any appropriate mitigation/ avoidance measures. There is nothing within the Local Plan appendices relating to heritage yet there is a need for a masterplan where issues could be considered.

SM3 – concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

SM4 - concerns relating to this site. There are a number of heritage assets that could be affected by proposed development and the heritage assessment concludes development should have regard to heritage assets. Further assessment is required. Additionally, there is no reference to heritage assets or potential mitigation measures within the Local Plan appendices.

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SM1 Chances Glassworks – there is no heritage assessment for this site. There are a number of heritage assets within the site and within proximity to the site so a detailed heritage assessment for this site is essential to assess whether development can come forward and if appropriate avoidance/ mitigation measures exist to overcome the harm to heritage. We recognise that this could be a location for heritage led regeneration and a heritage assessment will provide a useful process to assess the harm and the potential to ensure that an appropriate policy can be included within the Local Plan, if relevant.

General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have

raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDMI – Design Quality
 Respondent: Historic England (Mrs Kezia Taylerson) [102]
 Date received: 11/11/2024 via Email

Summary:

We welcome a reference to heritage within this policy.

Full text:

Spatial Portrait - We welcome the many references to the history of Sandwell as a Borough and the local historic environment of the area.

Ambitions - We would have welcomed a reference to the historic environment within the 'ambitions' of the Plan.

Vision - We welcome the many references to the historic environment within the vision.

Strategic Objectives - We welcome the inclusion of Objective 4. It should reference the need to protect the significance of heritage assets to ensure that all typologies are accurately referenced and considered within the policy. Again, we welcome Objective 5 and this would benefit from referencing 'heritage assets' rather than 'historic assets'.

Policy SDS1 clause j - We support the inclusion of a reference to heritage within this policy. We welcome the amendments from the previous version. The policy should relate to 'heritage assets' and would benefit from the removal of the term 'designated'.

Policy SDS2 clause i - Remove 'unacceptable level of' from the policy text. We are supportive of energy efficiency measures for heritage assets; however, they must be appropriate and suitable to the context of the building they are being applied to and not cause harm to the significance of heritage assets. Further, the policy would benefit from some justification text setting out the specific considerations for energy efficiency measures and the historic environment to provide more certainty and reference the need for other measures such as listed building consent.

Clause j) - Re-word this clause. Harm to heritage should be wholly/ exceptional. The policy should reference the need to protect the significance of heritage assets, including their setting rather than only refer to setting. Harm should be avoided or minimised.

Policy SDS3 - We reiterate our previous comments that the policy would benefit from a reference to the historic environment and specifically the Wednesbury High Street Action Zone, as well as text about relevant heritage led regeneration programmes within Sandwell. We note a brief reference in paragraph 3.54.

Policy SDS4 clause 1, ai - See previous comments about the need to remove the reference to 'call for sites' as these sites may be suggested but be inappropriate for development.

Green and Blue Infrastructure, including Policy SDS8 - We reiterate our comments as raised previously about the need to include the historic environment and heritage landscapes as a component of blue and green infrastructure, more far reaching than a reference to Registered Parks and Gardens.

Policy SNE4 - We continue to support the inclusion of this policy in the Plan. Our previous comment relating to the need include protection of the significance of the asset and its integrity, are still relevant here.

Policy SNE5 - We welcome the amendments to this policy for heritage.

Policy SNE6 - We continue to support the inclusion of this policy and the references to the historic environment.

Section Historic Environment - We welcome a specific section on the historic environment being incorporated into the Plan, and policies for the historic environment.

We are supportive of the introductory paragraphs which do a very good job of setting the scene for the historic environment of the area and are an interesting read.

Paragraph 4.108 - Should also refer to non designated heritage assets which also have protection, albeit to a lesser extent than designated heritage assets.

Paragraph 4.113 - Should be referred to as 'heritage assets' and elsewhere throughout the Plan.

Policy SHE1 - We welcome the amendments the Council has made to the policy since our previous comments, and this has been gratefully received. We would recommend that clause 4 is amended slightly to read '...seek to conserve and enhance the significance of listed buildings by exercising appropriate control in their setting, over the design of ...' to ensure that the policy relates to the significance (which is what is protected).

Policy SHE2 - We welcome the policy. We consider that it needs a clause akin to Policy SHE1 clause 2, that then relates to all other heritage assets aside from listed buildings and conservation areas. Insert the clause into this policy also to be compliant with the National Planning Policy Framework (NPPF) Section 16.

Clause 3, consider a minor edit on this section to ensure that 'all' heritage assets are protected.

We welcome clause 5 and specific detail about the local character of Sandwell.

SHE3 - We welcome the amendments to this policy.

SHE4 - We welcome the amendments to this policy. Clause 3 amend 'significant adverse effect' with 'harm'.

Policies SCC1-SCC6 - See previous comments at Regulation 18 stage, December 2023.

Policy SH02 clause 2, c. - We support this clause.

Policy SH09 - The policy would benefit from a clause relating to the need to protect the significance of heritage assets and their setting and any harm will be resisted.

Employment section - We consider within this section there could be a reference to the benefit of the historic environment; heritage led regeneration, heritage tourism, public realm, the economic benefit that heritage assets bring to an area including Conservation Areas, Wednesbury High Street Action Zone and the benefit of heritage assets in revitalising the town centre economy and relevant issues on shopfronts and design within heritage centres. See Regulation 18 comments.

Policy SCE1 - See previous comments to Regulation 18 consultation.

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General point – any development being proposed which could have an impact on a Canal Conservation Area, should be fully considered at this stage and a mitigation measure included within the 'further information' section in the Local Plan appendices to ensure it is fully considered at planning application stage.

General point – we would welcome a meeting with the Council to discuss their Regulation 19 site allocations and to ensure that any site which could have the potential to harm heritage assets has been considered through the heritage assessment (where planning permission/ commencement has not occurred). It is, in cases a little unclear, as to whether all the relevant sites have been assessed. Where we have raised comments above, we would be grateful to discuss these specific sites in more detail and to assess whether there are appropriate mitigation measures that can be included within the Plan.

General point – white land – what is this policy criteria relating to? There is no policy within the Local Plan which relates to white land and how it should be considered? Are there any implications for the historic environment?

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Duty to Co-operate

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

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Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,00 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic

growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances that necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to

ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both

justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered a to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date

BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible

from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I 09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Vision for Sandwell

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open

market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC 1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being

proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances that necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy

including the phrase “at least 10%” would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards

in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is

provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SH05- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential ned for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF , which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

110. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To

address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that “There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government’s standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the

amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver it's unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaking during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic

growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances that necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to

ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both

justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered a to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date

BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible

from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I 09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.
42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.
43. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.
44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.
45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.
46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.
47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.
48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.
49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.
50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.
51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.
52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.
53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.
54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.
55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing.

This may require larger and/or additional housing sites to be allocated.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's

standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan’s policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell’s housing requirement. If it is not possible to do this within the Council’s boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that “Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation.” HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell’s inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the ‘exceptional circumstances’ that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

“It is the Council’s view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough.”

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development”. Para 11 of the NPPF states that “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

37. HBF believes the Council’s inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase “at least 10%” would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered a to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be includes within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

I00. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

I01. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

I02. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

I03. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

I04. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

I05. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

I06. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

I07. The policy should be deleted.

Water efficiency in new dwellings

I08. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does not represent an effective use of the plan-led system.

I12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaking during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances that necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings

being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the

original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and affect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SCCI – Energy Infrastructure

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaking during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances that necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings

being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the

original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SCC4 - Embodied carbon and waste

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that “There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government’s standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan’s policies should ensure the availability of a sufficient supply of deliverable and

developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exception circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be

established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHOI- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully consider all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Council's reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, a realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, topography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential ned for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF , which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

110. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

111. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

112. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

113. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

114. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

115. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

116. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

117. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

118. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SHOI - Delivering Sustainable Housing Growth

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of

plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the

Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,00 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan’s policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell’s housing requirement. If it is not possible to do this within the Council’s boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that “Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation.” HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell’s inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the ‘exceptional circumstances’ that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver it’s unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing consider is a factor that constitutes the exception circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific

item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and not relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that sites with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered a to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a

developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to

'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

I 01. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

I 02. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

I 03. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

I 04. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

I 05. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

I 06. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

I 07. The policy should be deleted.

Water efficiency in new dwellings

I 08. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I 09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF

suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

115. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

116. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory. Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

117. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

118. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SHO4 - Affordable Housing

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery of new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,00 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver it's unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the

housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

37. HBF believes the Council’s inability to meet their own housing need in the midst of a housing consider is a factor that constitutes the exception circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can it itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase “at least 10%” would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it as arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements

for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1 Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the

matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.

There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.

• Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

I 03. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

I 04. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

I 05. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

I 06. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

I 07. The policy should be deleted.

Water efficiency in new dwellings

I 08. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I 09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the ‘exceptional circumstances’ that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan’s policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell’s need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

118. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

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Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore

question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first

establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under the Duty to Cooperate the fact remains that the Local Plan’s policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell’s housing requirement. If it is not possible to do this within the Council’s boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that “Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation.” HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell’s inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the ‘exceptional circumstances’ that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver it’s unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

“It is the Council’s view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough.”

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development”. Para 11 of the NPPF states that “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

37. HBF believes the Council’s inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase “at least 10%” would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which

should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that “A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069.”

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan’s housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered a to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in ‘high accessible areas’ and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan

needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, a realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building

Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

“What accessibility standards can local planning authorities require from new development?”

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual’s needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

I01. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

I02. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

I03. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

I04. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

I05. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

I06. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

I07. The policy should be deleted.

Water efficiency in new dwellings

I08. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I09. The policy should be deleted.

Delivery, Monitoring, and Implementation

I10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the ‘exceptional circumstances’ that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan’s policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing

to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

115. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

116. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory. Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

117. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

118. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in

terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: Policy SHO6 - Protecting Family Housing (Use Class C3)

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues."

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaking during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing

need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the

amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try to address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell to meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also affect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legislation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is

standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning

permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, a realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of

affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied."

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self &

custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF , which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

I 10. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The Policy is not considered to be sound as it is not justified or effective or in line with national policy. 98. The Reg 18 version of the Sandwell Local Plan included a very important policy called "Financial Viability Assessments for Housing". HBF made comments on this policy saying "As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential ned for flexibility in relation to site specific viability issues." 99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Attachments:

Document Element: Policy SDMI – Design Quality

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that “There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government’s standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

“Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered an analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government’s commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try an address this matter under

the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for the area which is the purpose of plan-making. NPPF para 60 clearly states that "to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

37. HBF believes the Council's inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase "at least 10%" would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the

policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legislation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerns about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF

notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SH05- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

“What accessibility standards can local planning authorities require from new development?

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

110. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open

market and affordable housing needs.

I 11. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

I 12. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

I 13. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

I 14. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

I 15. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

I 16. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

I 17. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: 16. Delivery, Monitoring, and Implementation

Respondent: Home Builders Federation (Mrs Rachel Danemann, Planning Manager - Local Plans (Midlands & South West)) [75]

Date received: 11/11/2024 via Email

Summary:

110. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

111. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

112. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

113. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

114. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

115. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

116. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

117. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Full text:

The Plan is not considered to be sound as it is not justified or effective or in line with national policy.

4. HBF welcomes the Council's efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority's role and is essential to support the delivery new homes and jobs. HBF agree that there are many factors that support the need for a new Local Plan for Sandwell. However, HBF note that the Plan Period runs only to 2041. Para 22 of the NPPF requires that 'strategic policies should look ahead over a minimum 15-year period from adoption'.

5. Although we note that the Plan is now at Reg 19 submission stage, it can and does take time to proceed through the remaining stages of plan preparation- the examination process, main modification consultation, Inspector's report and adoption of the Local Plan. HBF therefore question whether the plan period need extending. Extending the plan period by one or two years and rolling forward the housing requirement to these future years would seem a reasonable approach to address this issue. The supporting evidence would probably need to reflect this longer timeframe too.

6. HBF suggest that for this plan to be sound, the plan period needs extending. A plan period of less than 15 years on adoption fails to comply with the NPPF requirements for effective plan making.

Duty to Co-operate

7. HBF note that a Duty to Cooperate Statement dated Sept 2024 has been prepared, <https://www.sandwell.gov.uk/downloads/file/3267/slp-reg-19-duty-to-co-operate-statement> but that is not included on the Reg 19 consultation website <https://sandwell.oc2.uk/> and has to be searched for separately on the Council's website, as does the consultation statement and other supporting documentation.

8. Table 2 of the DTC statement sets out the Statements of Common Ground in relation to the apportionment of contributions between the four Black Country LPAs and the apportionment of contributions between the Greater Birmingham and Black Country Housing Market Area and an agreement to refresh the Housing Growth Study remain in discussion. As does the SoCG about Telford and Wrekin council making a housing land contribution.

9. HBF therefore remain unclear if the Duty to Cooperate has been met. Although we welcome the DTC Statement, which we requested in our Reg 18 response, the current position of neighbouring authorities in relation to Sandwell's Local Plan remains unclear. HBF agree that meeting unmet housing need was one of the main strategic matters being addressed through the Black Country Plan and as such continues to be one of the principal cross-boundary issues to be addressed in the preparation of the Sandwell Local Plan.

Problems with the Shropshire Local Plan EIP

10. Table 2 of the DTC statement states that a SoCG has been drafted and agreed with Shropshire Council. However, HBF note that Inspectors of the Shropshire Local Plan have recently written to Shropshire Council expressing significant concerns about the soundness of their Plan and the planned future EIP hearing sessions on the Shropshire Plan have been cancelled. See <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-calendar/> and <https://www.shropshire.gov.uk/media/29185/id46-stage-2-hearings-holding-letter.pdf>

11. This would seem to raise questions around the soundness of the Sandwell Plan if this Plan is seeking to rely on Shropshire delivering housing to meet some of Sandwell's unmet need.

12. HBF would be keen to understand the Council's view on the implication of this latest development in the Shropshire Local Plan EIP on the Duty to Cooperate in relation to Sandwell's Plan. What conversations have been undertaken during, and subsequent to, the Shropshire EIP soundness issues coming to light? At the very least the DTC statement will need updating to reflect the current position. Without this information being publicly available at this point in time HBF are unable to fully assess the impact of this issue on compliance with the Duty to Cooperate.

13. HBF's main concerns around Duty to Cooperate continue to relate to ensuring that Sandwell's required amount of housing is delivered in reality. This is particularly important because the current Plan indicates a significant amount of unmet need. The issue of fully meeting housing needs within Sandwell remains. Our more detailed comments on this issue can be found in response to Policy SDS1.

Vision for Sandwell

The Vision is not considered to be sound as it is not justified or effective or in line with national policy.

14. The Vision is very long and imprecise, similarly the Plan's objectives are very numerous. HBF question if this is effective.

15. Although HBF support has supports the need for the Vision for Sandwell to include reference to the need for new homes to meet housing need, as included within Ambition 7 we suggest this should be amended to be more explicit about the requirement to meet the development needs of the area. HBF would suggest that both the Vision and Objective Six should be more explicit about the need to plan for both open market and affordable housing to meet housing needs and support the Council's growth aspirations.

Planning for Sustainable Development

Policy SD1: Overall Development Strategy

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Housing Requirement- dpa and total

16. The Reg 18 version of the Plan proposed at least 11,167 net new homes and at least 1,206ha of employment land (of which 29ha is currently vacant). The Reg 19 version of the Plan reduces the Housing Requirements to 10,434 net new homes.

17. It is noted that paragraph 2.6 explains that "There is still, despite the number of housing sites that have been identified and allocated, a shortfall in the numbers of houses that need to be built to meet identified needs. Housing need is calculated using the Government's standard method based on household growth projections.

- Sandwell needs to identify land for 26,350 homes by 2041.
- The supply of suitable residential land based on the most recent evidence stands at 10,434 homes.
- There is an unmet need for 15,916 homes.!

18. This means that the council is planning only to meet 40% of their proposed housing number, with 60% not being planned for. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is very concerned about this proposed shortfall. Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Sandwell before considering if and how this could be met.

19. The Reg 18 version of the Plan sought to plan for 187 ha of employment, this need has increased in the Reg 19 version para 2.14, as amended by the errata document, now says:

"Employment land need is based on economic forecasts in the EDNA up to 2041.

- Sandwell is subject to a demand for 212ha of employment land.
- The current supply of land available and suitable for employment use is 42ha (after completions between 2020 – 2022 are considered). This includes windfall supply, generated through intensification / recycling, and also includes a vacant land supply of 28ha (sites identified under Policy SEC1).
- Based on the amount of land required to grow the economy, there is a shortfall of around 170ha.
- In addition, the plan allocates / retains 1,193ha of existing occupied employment as strategic, local or other employment land.

20. HBF notes that the Plan therefore proposes not only significant unmet housing need but also a significant unmet employment need. This would further constrain the ambitions for Growth in Sandwell, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.

21. With regards the housing requirement itself, HBF strongly support the need for more housing in the Sandwell Local Plan for a variety of

reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

22. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered, analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.

23. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.

24. The Government's commitment to 1.5 million homes over the next five years has seen ambitions to plan for 370,000 per year in order to deliver the national target of 300,000 new homes per year. HBF note that the standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.

25. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Sandwell and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.

26. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.

27. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF recognise the constrained nature of the Borough and the size of the shortfall in Housing and Employment land being proposed in this plan. However, it is important that the housing needs of Sandwell are met in full.

28. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Sandwell's housing requirement. If it is not possible to do this within the Council's boundary then Green Belt should be considered.

29. Criteria 3 of the policy sets out that "Appendices B and C show how the housing and employment land ambitions for Sandwell will be met. Those development needs that cannot be accommodated within the borough will be exported to sustainable locations in neighbouring local authority areas, following consultation." HBF suggest this should be set out as an integral part of the policy and not deferred to Appendix B and C.

30. HBF believe that Sandwell's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.

31. As set out in our comments on the Duty to Cooperate above, HBF remains very concerned about the reliance of the Council on neighbouring authorities to deliver its unmet needs, especially in light of the issue the Shropshire Local Plan has recently encountered. These difficulties further underline the need for Sandwell to be doing more to meet its own needs including through a comprehensive Green Belt review and new allocations for housing.

Policy SDS6- Green Belt

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

32. HBF continue to strongly disagree with the conclusion in para 3.99 which says:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of the rest of the borough."

33. HBF are strongly of the view that planning to meet less than half of your identified housing need is clearly evidence of the exceptional circumstances required to justify releasing areas of green belt land.

34. HBF would argue that the current housing crisis and the inability of Sandwell meet its own needs provide the exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

35. NPPF (para 20) is clear that "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision housing (including affordable housing), employment, retail, leisure and other commercial development". Para 11 of the NPPF states that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

36. HBF cannot see how a plan that provides for less than half of its housing requirement standard method baseline (and HBF argue the housing requirement itself should be higher) can meet the requirements to be positively prepared and setting out a clear long term vision for

the area which is the purpose of plan-making. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

37. HBF believes the Council’s inability to meet their own housing need in the midst of a housing crisis is a factor that constitutes the exceptional circumstances that justify green belt release.

38. HBF support ambitious growth aspirations in Sandwell. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.

39. The Plan needs to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.

40. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy SNE2- Protection and Enhancement of Wildlife Habitats

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

41. HBF note that although mandatory national BNG was introduced in the Environment Act 2021 the introduction of Biodiversity Net Gain for planning application did not come for large sites until Feb 12th 2024, and for small sites on 2nd April 2024.

42. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. It is important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

43. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

44. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase “at least 10%” would help to provide this.

45. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.

46. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to be made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.

47. HBF suggest particular care is needed in terminology to ensure the Sandwell policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legislation and guidance.

48. HBF question the wording of criteria five, as it should be for the BNG plan to set out what happens if monitoring shows any BNG measures are ineffective. For large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase.

49. It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the new BNG PPG.

50. The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, and not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which remain unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

51. As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.

52. HBF suggest that there is also a need for this policy and supporting text to say more about how BNG will be considered in relation to applications in advance of the Local Nature Recovery Strategies. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy and/or its implementation, to reflect the LNRS may be needed.

53. HBF would also encourage the Council to ensure the Local Plan fully considers the new BNG requirements in relation to site allocations. This is likely to require undertaking an assessment of the baseline to support the allocation to enable an understanding of the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to

understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

54. HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

55. BNG will also impacts on the density of housing schemes that can be provided, as land used for on-site BNG is not available for housing. This may require larger and/or additional housing sites to be allocated.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

56. HBF continue to question how the Council arrived at the requirement for 3 replacement trees for everyone lost and what (if any) assumptions have been relation to the size and standard of trees. HBF considers that a three for one replacement policy could impact on the land uptake for any development and may have implications for the density of developments, which in turn has the potential to have an impact on the viability of developments.

57. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable.

Policy SCC1 – Energy Infrastructure

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

58. HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. There is no need for a Local Plan policies on matters already addressed in Building Regulations.

59. HBF question the realism of requiring post-occupancy evaluation as this will require consent of future homeowners and willingness to share their data. This cannot be assumed.

Policy SCC4 - Embodied carbon and waste

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

60. HBF are concerned about the effectiveness and justification of this policy, especially as the Council acknowledge in para 5.63 of the Plan that there is no reference to 'embodied carbon' in the NPPF.

Policy SHO1- Delivering Sustainable Housing Growth

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

61. In relation to criteria one, HBF's detailed comments in relation to the amount of housing needed in Sandwell can be found in our response to policy SD1: Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. HBF suggests that these considerations should result in a higher housing requirement for Sandwell which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first.

62. In relation to criteria two, HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Sandwell should be higher, it follows that our view is that the numbers in each phase should be higher too.

63. HBF remain of the view that the allocation of site for housing should be undertaken in policy and no relegated to an Appendix.

64. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. We note that site with planning permission include a lapse rate of 5% other commitments are SHLAA are discounted by 10% and occupied employment land discounted by 15%, but These figures should be clearly evidenced. HBF also notes that no allowance is made for non-delivery of windfall sites and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use. The anticipated loss of current employment sites to housing further underlines the need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.

65. Para 7.4 of the Plan states that "A balanced range of sites has been provided, in terms of size, location and market attractiveness, which will help to maximise housing delivery over the Plan period. Across the borough, 10% of identified supply in the Plan and in the most recent Brownfield Register is on sites no larger than 1ha, which is in accordance with the requirement set out in the NPPF at paragraph 069."

66. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.

67. HBF would therefore wish to see the 10% small sites allowance delivered through allocations. Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.

68. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1 Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

69. In relation to criteria three, HBF notes that NPPF (para 71) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.

70. Criteria 3 indicates that regular monitoring will be undertaken annually of housing delivery, but this does not tally with the Monitoring Framework at the end of the Plan.

71. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, or from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they are likely to need to have already received planning permission to be completed within that timeframe).

Policy SHO2- Windfall Developments

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

72. As outlined above HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. HBF also question whether it is appropriate to treat council owned land differently in policy terms from any other land. Consideration of who the applicant or landowner is, is not normally considered to be a planning matter. The allocation of sites and the granting of permission of windfall should be considered on their planning merits and the contribution they can make to sustainable development, not who is the owner of the land.

73. HBF contend there is need for greenfield development in Sandwell to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.

74. It should also be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy SHO3- Housing Density, Type and Accessibility

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

75. The Regulation 19 policy continues to require densities of 100 dwellings per hectare for areas of very high density housing areas, 45 dwellings in 'high accessible areas' and 40+ for moderate area. Although the Table Six uses 100+, 45+ and 40+, so there is a need for consistency between the two.

76. Is it unclear from the policy wording if this policy only applies to allocated sites, or all development over 10 units. It is also unclear how a developer would know which target applied to their development and which standard to apply on a site not allocated in the plan. The Plan needs to better explain and justify its approach.

77. HBF would also question how realistic such high densities are, noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF would also question how this policy links into other policies including the policies that seek to protect family housing, resist HMOs, limit tall buildings, prevent intensification, resist windfalls, and require a range and mix of housing. All of these policies may prevent densification. Indeed even the amount of land required for on-site BNG delivery may impact on the density that is delivered.

78. HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.

79. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Sandwell will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings.

80. HBF also question why there is need for a specific mention of 4+ bedroom houses in Criteria 5 of the policy as the wording of the policy as this presupposes no need for four bed houses in the evidence which may not be the case. The plan should also be read as a whole and the matter of responding to housing need in terms of size and type of units is already covered elsewhere in the Plan.

81. There is also no need for Criterion 6, in this or any other policy, as the Plan should be read as a whole, and decisions made in accordance with the policies in the plan, unless other material considerations indicate otherwise.

Policy SHO4- Affordable Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

82. HBF welcomes the recognition that the delivery of affordable housing in Sandwell may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

83. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.

84. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.

85. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.

86. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

87. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

88. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy SHO5- Delivering Wheelchair Accessible and Self/custom build Housing

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

89. This policy still seeks to require all new residential developments to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and development of 10 or more units to provide 15% which meet M4(3) (Wheelchair user dwellings) on schemes of more than 20 homes.

90. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue is planning policy is therefore unnecessary.

91. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.

92. The PPG states:

"What accessibility standards can local planning authorities require from new development?"

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual's needs are not met by the wheelchair accessible optional requirement – see paragraph 011

below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519 Revision date: 19 05 2016

93. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF suggest that flexibility is needed in the application of these standards to reflect site specific characteristics, and the policy wording should reflect this. HBF do not believe this policy is sound without this flexibility, as it fails to comply with national policy and is not effective or justified.

94. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after six months of a thorough and proportionate marketing exercise the plot remains unsold, the requirements falls away.

95. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

96. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

97. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after the 6-month marketing period revert to the original developer.

Missing Policy- Previous Policy SH06

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

98. The Reg 18 version of the Sandwell Local Plan included a very important policy called “Financial Viability Assessments for Housing”. HBF made comments on this policy saying “As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or vales of a specific site fall outside the parameters used of a typology that was tested. Some site will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues.”

99. The flexibility this policy offered is an important part of ensuring the Plan is effective and deliverability. A policy on this matter is needed for the Plan to be sound.

Policy SDMI – Design Quality

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

100. HBF are supportive of the use of ‘Building for a Healthy Life’ as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a ‘standard’ to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.

Policy SDM2 – Development and Design Standards

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

101. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF , which states that “policies may also make use of the NDSS where the need for an internal space standard can be justified”.

102. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers

to factor the cost of space standards into future land acquisitions’.

103. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

104. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

105. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

106. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

107. The policy should be deleted.

Water efficiency in new dwellings

108. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

109. The policy should be deleted.

Delivery, Monitoring, and Implementation

110. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Sandwell Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Sandwell Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.

111. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Sandwell. This must include full consideration of the current Housing Crisis and if it results in the ‘exceptional circumstances’ that would require the need for a Green Belt review. A plan that seeks to meet only third of the need does not deliver is simply not good enough and does represent an effective use of the plan-led system.

112. HBF suggest more flexibility is needed within the plan, so that it is able to respond to any changing circumstances. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

113. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring. More is needed on how and when monitoring will be undertaken and more is needed on what action(S) will be taken when if monitoring shows under delivery of housing.

114. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. HBF suggest that this means there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Sandwell's need, Sandwell will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Sandwell should be doing more to address its own needs, including Green Belt release.

115. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

116. HBF suggest that the monitoring framework at the end of the Plan needs to be expanded. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be inserted included within the Plan.

117. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Sandwell should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Appearance at the EIP and Future Engagement

I 18. HBF requests to participate in the Hearing Sessions for the Local Plan Examination, the HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Change suggested by respondent:

The Policy is not considered to be sound as it is not justified or effective or in line with national policy.

Nationally Described Space Standard

I 01. HBF does not support the introduction of the optional Nationally Described Space Standards though policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF, which states that "policies may also make use of the NDSS where the need for an internal space standard can be justified".

I 02. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that 'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

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- Viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

I 03. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council's policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

I 04. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

I 05. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

I 06. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

I 07. The policy should be deleted.

Water efficiency in new dwellings

I 08. This policy also seeks to introduce a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.

I 09. The policy should be deleted.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: The HBF considers that their involvement is necessary to ensure that the home building industry is able to respond to any housing related issues raised during the hearing sessions.

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Icen Projects (Ms Georgia Tuttle) [318]

Date received: 12/11/2024 via Email

Summary:

The Chance and Soho Foundry and Mint sites are key regeneration sites within Sandwell, identified within the Sandwell Regeneration Strategy 2022-2027 as priority projects to become places to be “revived for modern uses”, with an expected delivery date of 2027. The Site supports significant heritage assets that are in a state of disrepair and their maintenance and up-keep can only be delivered by a comprehensive redevelopment of the Site.

The CHT have previously signed a Memorandum of Understanding with the Council, to support the regeneration of the Chance Glassworks and Soho Foundry sites. This demonstrates the commitment at a senior Council level to the regeneration of these important sites and CHT are pleased to see this reflected in the emerging policy position for the Chance Glassworks site.

It is clear that the existing adopted policy has not worked in bringing about the regeneration of these assets, therefore CHT are grateful that the Council have recognised that a shift in policy is imperative to prevent the ongoing decay and safeguard this unique site for future generations, and have provided the Site with a bespoke allocation that reflects the aspirations of the Vision Document shared with the Council as part of the previous Issues and Options consultation.

CHT considers that the emerging policy in this regard accords with paragraphs 126 and 196 of the National Planning Policy Framework (NPPF) by adapting the policy position to reallocate land and setting a positive strategy for the conservation and enjoyment of the heritage assets on the Chance Glassworks site and putting them to viable uses consistent with their conservation.

The CHT wish to see the sensitive, heritage-led regeneration of the Chance Glassworks Site remain a priority for Sandwell Council throughout the Local Plan process. The proposals will continue to be shaped by extensive engagement with the Local Planning Authority and other key stakeholders.

In considering the above, CHT supports the heritage-led mixed-use allocation of Chances Glass Works - Land west of Spon Lane, north of Palace Drive - for housing and employment workspace, a heritage centre, 1 ha of open space, and a new access point.

Full text:

The Chance and Soho Foundry and Mint sites are key regeneration sites within Sandwell, identified within the Sandwell Regeneration Strategy 2022-2027 as priority projects to become places to be “revived for modern uses”, with an expected delivery date of 2027. The Site supports significant heritage assets that are in a state of disrepair and their maintenance and up-keep can only be delivered by a comprehensive redevelopment of the Site.

The CHT have previously signed a Memorandum of Understanding with the Council, to support the regeneration of the Chance Glassworks and Soho Foundry sites. This demonstrates the commitment at a senior Council level to the regeneration of these important sites and CHT are pleased to see this reflected in the emerging policy position for the Chance Glassworks site.

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CHT considers that the emerging policy in this regard accords with paragraphs 126 and 196 of the National Planning Policy Framework (NPPF) by adapting the policy position to reallocate land and setting a positive strategy for the conservation and enjoyment of the heritage assets on the Chance Glassworks site and putting them to viable uses consistent with their conservation.

The CHT wish to see the sensitive, heritage-led regeneration of the Chance Glassworks Site remain a priority for Sandwell Council throughout the Local Plan process. The proposals will continue to be shaped by extensive engagement with the Local Planning Authority and other key stakeholders.

In considering the above, CHT supports the heritage-led mixed-use allocation of Chances Glass Works - Land west of Spon Lane, north of Palace Drive - for housing and employment workspace, a heritage centre, 1 ha of open space, and a new access point.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Icen Projects (Ms Georgia Tuttle) [318]

Date received: 12/11/2024 via Email

Summary:

It appears from the Draft Sandwell Local Plan that the mixed-use allocation of the Site is being dropped and the Site will only retain a Local Employment Area allocation. This would wholly undermine the regeneration of the heritage assets on the Site, which require a flexible and adaptive policy position to support the most appropriate regeneration approach to the heritage assets.

The CHT request further consideration into the Local Employment Area designation and that the policy designation be removed in this location (area outlined in red in Figure 1 below). It is instead recommended that this is replaced with a bespoke site-specific allocation for mixed-use development. This will allow for greater flexibility of the Site use, enabling different uses and options to be explored, and in-turn ensure the future and protection of these highly significant heritage assets, as outlined below.

Full text:

It appears from the Draft Sandwell Local Plan that the mixed-use allocation of the Site is being dropped and the Site will only retain a Local Employment Area allocation. This would wholly undermine the regeneration of the heritage assets on the Site, which require a flexible and adaptive policy position to support the most appropriate regeneration approach to the heritage assets.

The CHT request further consideration into the Local Employment Area designation and that the policy designation be removed in this location (area outlined in red in Figure 1 below). It is instead recommended that this is replaced with a bespoke site-specific allocation for mixed-use development. This will allow for greater flexibility of the Site use, enabling different uses and options to be explored, and in-turn ensure the future and protection of these highly significant heritage assets, as outlined below.

Policy SEC3 – Local Employment Areas

The Site forms part of the Foundry Lane (south) SEC3 Local Employment Area Allocation. Accordingly, under this proposed policy, only industrial uses (B2, B8 and E (g)(iii)), and some ancillary employment-generating uses including childcare facilities and food and drink outlets that are demonstrated to support the LEA's function.

The rationale for this policy is stated in the supporting text. It notes that LEAs play an important role in the local economy as they offer a source of mainly low-cost industrial units that provide local jobs. The supporting text notes that one of the key characteristics of LEAs is "a critical mass of active industrial and service uses and premises that are fit for purpose". Other characteristics are:

- Good access to local-markets suppliers and employees;
- The existing or potential use and/ or traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or the highway network; and
- Good public transport accessibility.

The financial feasibility of restoring the heritage assets on the Site is significantly compromised within the framework of this allocation. The allocation is tailored for generic industrial spaces, trade, haulage or logistics related uses, which is unlikely to generate the significant financial investment required for CHT and/or others to support and deliver the successful restoration of this site. Currently, the heritage assets on the Site are not in active industrial use and the restoration of the assets for these uses is not the optimal viable use, nor are these uses suitable for the existing buildings and structures on the Site. The only hope for the restoration of this internationally recognised heritage asset undoubtedly relies on the support of the public sector.

In reference to the Soho Foundry, the Council's own response to March 2023 representation (published September 2024) states "It is accepted that the future of the site is somewhat dependent on introducing a high quality, mixed use, heritage led, regeneration programme". There is a clear acceptance from the local authority that the future of the Soho Foundry and its restoration is dependent on the Site being allocated for mixed-use. This is somewhat in conflict with the allocation and limitation of the Site for traditional industrial employment use and presents a significant policy hurdle and blocker to CHT's aims and objectives of regenerating this site. Notwithstanding, the proposed sole employment use allocation is not considered to accord with Chapter 16 of the NPPF Conserving and enhancing the historic environment, and more specifically paragraph 196 which establishes that:

See attachment for table

CHT, a trust which is driven by the protection, restoration, and celebration of the Soho Foundry buildings, consider that the inclusion of the Site within the wider employment allocation will render it undeliverable, and provides a significant barrier to the restoration of the Site.

If the Site remains in a predominantly industrial allocation, CHT may have no choice but to abandon the Site, which begs the question as to whether a commercial developer or industrial business will be willing to take on this financial cost and afford equal priority to the history and celebration of these assets. CHT agree that some employment uses could form part of the mix of uses proposed, but if the policy position is overly restrictive, as currently set out in the Reg 19 Local Plan, then it is likely that funding availability to restore the site will be limited.

Policy SEC3 Response – Site specific allocation

To facilitate the regeneration of the Site, it is essential to carve out a specific site allocation that caters solely and explicitly to the Soho Foundry buildings, so it is viable and not hinged upon the wider industrial-led regeneration of the area. This bespoke allocation should provide the flexibility needed to explore a range of uses that align with heritage-led regeneration, enabling CHT to achieve its mission without the constraints imposed by the Policy SEC3 framework.

There is a clear policy rationale at the national level for a new approach to be considered in the next Local Plan. Paragraph 126 of the NPPF emphasises the need for planning policies to reflect changes in demand for land. Given the prolonged lack of progress under the existing policy, it is prudent to reassess and reallocate the land for a more deliverable use. The proposed draft policy hinders the ability of the site to be restored and fulfil alternative needs, including the restoration and celebration of unique heritage assets of national value.

The rationale for a bespoke application is also supported by NPPF Paragraph 212, which outlines the importance of seeking opportunities for new a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Policy SHE1 – Listed Buildings and Conservation Areas Policy SHE1 outlines several key aims and objectives in preserving listed buildings and conservations areas as detailed below:

1. Impact of development proposals on the significance of Sandwell's heritage assets and their setting will be considered with case law, legislation and the NPPF
2. Proposals should protect the significance of heritage assets and conserve and enhance local character and aspects of heritage assets together with their settings. The general presumption will be retaining and protecting assets from adverse impacts
3. Proposals should demonstrate how they respond to the significance of heritage assets
4. Council will conserve and enhance the settings on listed buildings through exercising appropriate control over development
5. Proposals must respect the historic character and architectural style, considering building scale, grouping, materials and fenestration
6. The loss of any historic asset/ historic feature will be resisted, and every attempt should be made to secure the asset in as complete form as possible.

It is clear that the policy aims to take every measure in the protection of Sandwell's heritage assets. This is significantly outlined in art 6 of Policy SHE1, which notes that "every attempt should be made to secure the asset". This indicates that the alternative uses proposed in this representation could be supported by the Council, however, as the site is designated under Policy SEC3, development of the site is restricted to industrial uses indicating that there is an inherent policy conflict for the site. For the reasons outlined in the previous section, CHT consider that the existing allocation on the site fails to recognise the unique circumstances of the site. To reflect the aspirations of Policy SHE1, a bespoke allocation should be provided in the emerging Local Plan to enable adaptive reuse options to be explored so that the historic asset can be preserved whilst remaining financially viable.

To address this inherent conflict, there is a pressing need for the Site to be removed from policy allocation SEC3 and for the site to have its own bespoke allocation, which would allow for the exploration of alternative uses under the principles outlined in Policy SHE1. This would result in a more balanced approach that not only preserves and enhances the unique heritage embodied by the Soho Foundry buildings, but also make it deliverable within the plan period.

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the Site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. Specifically focusing on Smethwick, part g of policy SEC3 establishes that the regeneration of Smethwick should be largely driven by the desire to "accommodate new green neighbourhoods on re-purposed employment land" and provide new active travel routes. As noted in part i) of the policy, Rolfe Street is specifically identified as an area to accommodate new residential development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as community. As noted within the supporting text, paragraph 3.38, funding has recently been granted from the Towns Fund to bring forward residential development at Grove Lane and Rolfe Street. Collectively Rolfe Street Masterplan (approved June 2023) and Grove Land Masterplan were (approved January 2022) will deliver approx. 1,200 dwellings. This represents 46% of the total 2,581 dwelling target set out in SDS2.

Given the emerging residential context, CHT are of the view that the Site should be considered within the wider context, with the Site presenting a valuable opportunity to provide crucial amenity and uses that are compatible with the wider area and residential development.

Notwithstanding, paragraph 3.40 recognises Soho Foundry as playing an important role in the delivery of this aim, noting the "opportunities exist to invest in Soho Foundry and surrounding area, creating mixed-use facility that will attract visitors and revitalise this part of the borough". The Site is located along the Canal Corridor and contains exceptionally significant buildings which are capable of promoting the area's unique history and provide significant community facilities for the public. The Site could also be safely accessed by pedestrians from the canal, promoting active travel along this route. Despite this, the inclusion of the Site within Policy SEC3 is in conflict with the aims and objectives of Policy SD2 and supporting text. Policy SEC3 will instead mean that the restoration of the Site would be restricted to industrial uses, which would work against the aspiration to create green neighbourhoods using re-purposed employment land and therefore strongly hinder the public enjoyment of these assets. Therefore, the Site should be removed from Policy Allocation SEC3 and a bespoke allocation which supports flexible uses included within the emerging Local Plan if the regeneration aims of Policy SDS2 are to be achieved.

Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm's Metals. The allocation of this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is recommended that the Council considers options for the wider regeneration of this area.

In conclusion, the representations put forth by CHT underscore the unique challenges and opportunities associated with the Soho Foundry and Mint site. The Grade II* listed buildings and rich industrial heritage of the site demand a tailored approach that goes beyond the industrial use constraints of proposed Policy SEC3.

Rather than perpetuate the historical ineffectiveness of the prior allocation, a fresh approach is needed to realise the restoration of the Site, in accordance with Paragraph 126 of the NPPF. The Site has significant potential not only to meet the Council's heritage aims (under Policy SHE1), but also create a substantial regeneration opportunity (in accordance with Policy SDS2). However, without the removal of the Site from allocation SEC3 and the granting of a bespoke site specific and flexible allocation which reflects the unique circumstances of the site, this will never be achieved.

CHT believe that the site could potentially accommodate a range of business, tourism and leisure uses that would foster the public enjoyment of these assets. Further technical work will be prepared in due course to bring forward masterplan proposals for the site.

CHT would like to work with the planning policy team and relevant consultees in this process to ensure a suitable solution is found, which supports the heritage regeneration aspirations of the Trust.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SEC3 – Local Employment Areas

Respondent: Icen Projects (Ms Georgia Tuttle) [318]

Date received: 12/11/2024 via Email

Summary:

Policy SEC3 – Local Employment Areas

The Site forms part of the Foundry Lane (south) SEC3 Local Employment Area Allocation. Accordingly, under this proposed policy, only industrial uses (B2, B8 and E (g)(iii)), and some ancillary employment-generating uses including childcare facilities and food and drink outlets that are demonstrated to support the LEA's function.

The rationale for this policy is stated in the supporting text. It notes that LEAs play an important role in the local economy as they offer a source of mainly low-cost industrial units that provide local jobs. The supporting text notes that one of the key characteristics of LEAs is "a critical mass of active industrial and service uses and premises that are fit for purpose". Other characteristics are:

- Good access to local-markets suppliers and employees;
- The existing or potential use and/ or traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or the highway network; and
- Good public transport accessibility.

The financial feasibility of restoring the heritage assets on the Site is significantly compromised within the framework of this allocation. The allocation is tailored for generic industrial spaces, trade, haulage or logistics related uses, which is unlikely to generate the significant financial investment required for CHT and/or others to support and deliver the successful restoration of this site. Currently, the heritage assets on the Site are not in active industrial use and the restoration of the assets for these uses is not the optimal viable use, nor are these uses suitable for the existing buildings and structures on the Site. The only hope for the restoration of this internationally recognised heritage asset undoubtedly relies on the support of the public sector.

In reference to the Soho Foundry, the Council's own response to March 2023 representation (published September 2024) states "It is accepted that the future of the site is somewhat dependent on introducing a high quality, mixed use, heritage led, regeneration programme". There is a clear acceptance from the local authority that the future of the Soho Foundry and its restoration is dependent on the Site being allocated for mixed-use. This is somewhat in conflict with the allocation and limitation of the Site for traditional industrial employment use and presents a significant policy hurdle and blocker to CHT's aims and objectives of regenerating this site. Notwithstanding, the proposed sole employment use allocation is not considered to accord with Chapter 16 of the NPPF Conserving and enhancing the historic environment, and more specifically paragraph 196 which establishes that:

See attachment for table

CHT, a trust which is driven by the protection, restoration, and celebration of the Soho Foundry buildings, consider that the inclusion of the Site within the wider employment allocation will render it undeliverable, and provides a significant barrier to the restoration of the Site.

If the Site remains in a predominantly industrial allocation, CHT may have no choice but to abandon the Site, which begs the question as to whether a commercial developer or industrial business will be willing to take on this financial cost and afford equal priority to the history and celebration of these assets. CHT agree that some employment uses could form part of the mix of uses proposed, but if the policy position is overly restrictive, as currently set out in the Reg 19 Local Plan, then it is likely that funding availability to restore the site will be limited.

Policy SEC3 Response – Site specific allocation

To facilitate the regeneration of the Site, it is essential to carve out a specific site allocation that caters solely and explicitly to the Soho Foundry buildings, so it is viable and not hinged upon the wider industrial-led regeneration of the area. This bespoke allocation should provide the flexibility needed to explore a range of uses that align with heritage-led regeneration, enabling CHT to achieve its mission without the constraints imposed by the Policy SEC3 framework.

There is a clear policy rationale at the national level for a new approach to be considered in the next Local Plan. Paragraph 126 of the NPPF emphasises the need for planning policies to reflect changes in demand for land. Given the prolonged lack of progress under the existing policy, it is prudent to reassess and reallocate the land for a more deliverable use. The proposed draft policy hinders the ability of the site to be restored and fulfil alternative needs, including the restoration and celebration of unique heritage assets of national value.

The rationale for a bespoke application is also supported by NPPF Paragraph 212, which outlines the importance of seeking opportunities for new a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Full text:

It appears from the Draft Sandwell Local Plan that the mixed-use allocation of the Site is being dropped and the Site will only retain a Local Employment Area allocation. This would wholly undermine the regeneration of the heritage assets on the Site, which require a flexible and adaptive policy position to support the most appropriate regeneration approach to the heritage assets.

The CHT request further consideration into the Local Employment Area designation and that the policy designation be removed in this location (area outlined in red in Figure 1 below). It is instead recommended that this is replaced with a bespoke site-specific allocation for mixed-use development. This will allow for greater flexibility of the Site use, enabling different uses and options to be explored, and in-turn ensure the future and protection of these highly significant heritage assets, as outlined below.

Policy SEC3 – Local Employment Areas

The Site forms part of the Foundry Lane (south) SEC3 Local Employment Area Allocation. Accordingly, under this proposed policy, only industrial uses (B2, B8 and E (g)(iii)), and some ancillary employment-generating uses including childcare facilities and food and drink outlets that are demonstrated to support the LEA's function.

The rationale for this policy is stated in the supporting text. It notes that LEAs play an important role in the local economy as they offer a source of mainly low-cost industrial units that provide local jobs. The supporting text notes that one of the key characteristics of LEAs is "a critical mass of active industrial and service uses and premises that are fit for purpose". Other characteristics are:

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- The existing or potential use and/or traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or the highway network; and
- Good public transport accessibility.

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The rationale for a bespoke application is also supported by NPPF Paragraph 212, which outlines the importance of seeking opportunities for new a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Policy SHE1 – Listed Buildings and Conservation Areas Policy SHE1 outlines several key aims and objectives in preserving listed buildings and conservations areas as detailed below:

1. Impact of development proposals on the significance of Sandwell's heritage assets and their setting will be considered with case law, legislation and the NPPF
2. Proposals should protect the significance of heritage assets and conserve and enhance local character and aspects of heritage assets together with their settings. The general presumption will be retaining and protecting assets from adverse impacts
3. Proposals should demonstrate how they respond to the significance of heritage assets
4. Council will conserve and enhance the settings on listed buildings through exercising appropriate control over development
5. Proposals must respect the historic character and architectural style, considering building scale, grouping, materials and fenestration
6. The loss of any historic asset/ historic feature will be resisted, and every attempt should be made to secure the asset in as complete form as possible.

It is clear that the policy aims to take every measure in the protection of Sandwell's heritage assets. This is significantly outlined in art 6 of Policy SHE1, which notes that "every attempt should be made to secure the asset". This indicates that the alternative uses proposed in this representation could be supported by the Council, however, as the site is designated under Policy SEC3, development of the site is restricted

to industrial uses indicating that there is an inherent policy conflict for the site. For the reasons outlined in the previous section, CHT consider that the existing allocation on the site fails to recognise the unique circumstances of the site. To reflect the aspirations of Policy SHE1, a bespoke allocation should be provided in the emerging Local Plan to enable adaptive reuse options to be explored so that the historic asset can be preserved whilst remaining financially viable.

To address this inherent conflict, there is a pressing need for the Site to be removed from policy allocation SEC3 and for the site to have its own bespoke allocation, which would allow for the exploration of alternative uses under the principles outlined in Policy SHE1. This would result in a more balanced approach that not only preserves and enhances the unique heritage embodied by the Soho Foundry buildings, but also make it deliverable within the plan period.

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the Site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. Specifically focusing on Smethwick, part g of policy SEC3 establishes that the regeneration of Smethwick should be largely driven by the desire to “accommodate new green neighbourhoods on re-purposed employment land” and provide new active travel routes. As noted in part i) of the policy, Rolfe Street is specifically identified as an area to accommodate new residential development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as community. As noted within the supporting text, paragraph 3.38, funding has recently been granted from the Towns Fund to bring forward residential development at Grove Lane and Rolfe Street. Collectively Rolfe Street Masterplan (approved June 2023) and Grove Land Masterplan were (approved January 2022) will deliver approx. 1,200 dwellings. This represents 46% of the total 2,581 dwelling target set out in SDS2.

Given the emerging residential context, CHT are of the view that the Site should be considered within the wider context, with the Site presenting a valuable opportunity to provide crucial amenity and uses that are compatible with the wider area and residential development.

Notwithstanding, paragraph 3.40 recognises Soho Foundry as playing an important role in the delivery of this aim, noting the “opportunities exist to invest in Soho Foundry and surrounding area, creating mixed-use facility that will attract visitors and revitalise this part of the borough”. The Site is located along the Canal Corridor and contains exceptionally significant buildings which are capable of promoting the area’s unique history and provide significant community facilities for the public. The Site could also be safely accessed by pedestrians from the canal, promoting active travel along this route. Despite this, the inclusion of the Site within Policy SEC3 is in conflict with the aims and objectives of Policy SD2 and supporting text. Policy SEC3 will instead mean that the restoration of the Site would be restricted to industrial uses, which would work against the aspiration to create green neighbourhoods using re-purposed employment land and therefore strongly hinder the public enjoyment of these assets. Therefore, the Site should be removed from Policy Allocation SEC3 and a bespoke allocation which supports flexible uses included within the emerging Local Plan if the regeneration aims of Policy SDS2 are to be achieved.

Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm’s Metals. The allocation of this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is recommended that the Council considers options for the wider regeneration of this area.

In conclusion, the representations put forth by CHT underscore the unique challenges and opportunities associated with the Soho Foundry and Mint site. The Grade II* listed buildings and rich industrial heritage of the site demand a tailored approach that goes beyond the industrial use constraints of proposed Policy SEC3.

Rather than perpetuate the historical ineffectiveness of the prior allocation, a fresh approach is needed to realise the restoration of the Site, in accordance with Paragraph 126 of the NPPF. The Site has significant potential not only to meet the Council’s heritage aims (under Policy SHE1), but also create a substantial regeneration opportunity (in accordance with Policy SDS2). However, without the removal of the Site from allocation SEC3 and the granting of a bespoke site specific and flexible allocation which reflects the unique circumstances of the site, this will never be achieved.

CHT believe that the site could potentially accommodate a range of business, tourism and leisure uses that would foster the public enjoyment of these assets. Further technical work will be prepared in due course to bring forward masterplan proposals for the site.

CHT would like to work with the planning policy team and relevant consultees in this process to ensure a suitable solution is found, which supports the heritage regeneration aspirations of the Trust.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: Icen Projects (Ms Georgia Tuttle) [318]

Date received: 12/11/2024 via Email

Summary:

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the Site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. Specifically focusing on Smethwick, part g of policy SEC3 establishes that the regeneration of Smethwick should be largely driven by the desire to “accommodate new green neighbourhoods on re-purposed employment land” and provide new active travel routes. As noted in part i) of the policy, Rolfe Street is specifically identified as an area to accommodate new residential development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as community. As noted within the supporting text, paragraph 3.38, funding has recently been granted from the Towns Fund to bring forward residential development at Grove Lane and Rolfe Street. Collectively Rolfe Street Masterplan (approved June 2023) and Grove Land Masterplan were (approved January 2022) will deliver approx. 1,200 dwellings. This represents 46% of the total 2,581 dwelling target set out in SDS2.

Given the emerging residential context, CHT are of the view that the Site should be considered within the wider context, with the Site presenting a valuable opportunity to provide crucial amenity and uses that are compatible with the wider area and residential development.

Notwithstanding, paragraph 3.40 recognises Soho Foundry as playing an important role in the delivery of this aim, noting the “opportunities exist to invest in Soho Foundry and surrounding area, creating mixed-use facility that will attract visitors and revitalise this part of the borough”. The Site is located along the Canal Corridor and contains exceptionally significant buildings which are capable of promoting the area’s unique history and provide significant community facilities for the public. The Site could also be safely accessed by pedestrians from the canal, promoting active travel along this route. Despite this, the inclusion of the Site within Policy SEC3 is in conflict with the aims and objectives of Policy SD2 and supporting text. Policy SEC3 will instead mean that the restoration of the Site would be restricted to industrial uses, which would work against the aspiration to create green neighbourhoods using re-purposed employment land and therefore strongly hinder the public enjoyment of these assets. Therefore, the Site should be removed from Policy Allocation SEC3 and a bespoke allocation which supports flexible uses included within the emerging Local Plan if the regeneration aims of Policy SDS2 are to be achieved.

Full text:

It appears from the Draft Sandwell Local Plan that the mixed-use allocation of the Site is being dropped and the Site will only retain a Local Employment Area allocation. This would wholly undermine the regeneration of the heritage assets on the Site, which require a flexible and adaptive policy position to support the most appropriate regeneration approach to the heritage assets.

The CHT request further consideration into the Local Employment Area designation and that the policy designation be removed in this location (area outlined in red in Figure 1 below). It is instead recommended that this is replaced with a bespoke site-specific allocation for mixed-use development. This will allow for greater flexibility of the Site use, enabling different uses and options to be explored, and in-turn ensure the future and protection of these highly significant heritage assets, as outlined below.

Policy SEC3 – Local Employment Areas

The Site forms part of the Foundry Lane (south) SEC3 Local Employment Area Allocation. Accordingly, under this proposed policy, only industrial uses (B2, B8 and E (g)(iii)), and some ancillary employment-generating uses including childcare facilities and food and drink outlets that are demonstrated to support the LEA’s function.

The rationale for this policy is stated in the supporting text. It notes that LEAs play an important role in the local economy as they offer a source of mainly low-cost industrial units that provide local jobs. The supporting text notes that one of the key characteristics of LEAs is “a critical mass of active industrial and service uses and premises that are fit for purpose”. Other characteristics are:

- Good access to local-markets suppliers and employees;
- The existing or potential use and/ or traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or the highway network; and
- Good public transport accessibility.

The financial feasibility of restoring the heritage assets on the Site is significantly compromised within the framework of this allocation. The allocation is tailored for generic industrial spaces, trade, haulage or logistics related uses, which is unlikely to generate the significant financial investment required for CHT and/or others to support and deliver the successful restoration of this site. Currently, the heritage assets on the Site are not in active industrial use and the restoration of the assets for these uses is not the optimal viable use, nor are these uses suitable for the existing buildings and structures on the Site. The only hope for the restoration of this internationally recognised heritage asset undoubtedly relies on the support of the public sector.

In reference to the Soho Foundry, the Council’s own response to March 2023 representation (published September 2024) states “It is accepted that the future of the site is somewhat dependent on introducing a high quality, mixed use, heritage led, regeneration programme”. There is a clear acceptance from the local authority that the future of the Soho Foundry and its restoration is dependent on the Site being allocated for mixed-use. This is somewhat in conflict with the allocation and limitation of the Site for traditional industrial employment use and presents a significant policy hurdle and blocker to CHT’s aims and objectives of regenerating this site. Notwithstanding, the proposed sole employment use allocation is not considered to accord with Chapter 16 of the NPPF Conserving and enhancing the historic environment, and more specifically paragraph 196 which establishes that:

See attachment for table

CHT, a trust which is driven by the protection, restoration, and celebration of the Soho Foundry buildings, consider that the inclusion of the Site within the wider employment allocation will render it undeliverable, and provides a significant barrier to the restoration of the Site.

If the Site remains in a predominantly industrial allocation, CHT may have no choice but to abandon the Site, which begs the question as to whether a commercial developer or industrial business will be willing to take on this financial cost and afford equal priority to the history and celebration of these assets. CHT agree that some employment uses could form part of the mix of uses proposed, but if the policy position is overly restrictive, as currently set out in the Reg 19 Local Plan, then it is likely that funding availability to restore the site will be limited.

Policy SEC3 Response – Site specific allocation

To facilitate the regeneration of the Site, it is essential to carve out a specific site allocation that caters solely and explicitly to the Soho Foundry buildings, so it is viable and not hinged upon the wider industrial-led regeneration of the area. This bespoke allocation should provide the flexibility needed to explore a range of uses that align with heritage-led regeneration, enabling CHT to achieve its mission without the constraints imposed by the Policy SEC3 framework.

There is a clear policy rationale at the national level for a new approach to be considered in the next Local Plan. Paragraph 126 of the NPPF emphasises the need for planning policies to reflect changes in demand for land. Given the prolonged lack of progress under the existing policy, it is prudent to reassess and reallocate the land for a more deliverable use. The proposed draft policy hinders the ability of the site to be restored and fulfil alternative needs, including the restoration and celebration of unique heritage assets of national value.

The rationale for a bespoke application is also supported by NPPF Paragraph 212, which outlines the importance of seeking opportunities for new a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Policy SHE1 – Listed Buildings and Conservation Areas Policy SHE1 outlines several key aims and objectives in preserving listed buildings and conservations areas as detailed below:

1. Impact of development proposals on the significance of Sandwell's heritage assets and their setting will be considered with case law, legislation and the NPPF
2. Proposals should protect the significance of heritage assets and conserve and enhance local character and aspects of heritage assets together with their settings. The general presumption will be retaining and protecting assets from adverse impacts
3. Proposals should demonstrate how they respond to the significance of heritage assets
4. Council will conserve and enhance the settings on listed buildings through exercising appropriate control over development
5. Proposals must respect the historic character and architectural style, considering building scale, grouping, materials and fenestration
6. The loss of any historic asset/ historic feature will be resisted, and every attempt should be made to secure the asset in as complete form as possible.

It is clear that the policy aims to take every measure in the protection of Sandwell's heritage assets. This is significantly outlined in art 6 of Policy SHE1, which notes that "every attempt should be made to secure the asset". This indicates that the alternative uses proposed in this representation could be supported by the Council, however, as the site is designated under Policy SEC3, development of the site is restricted to industrial uses indicating that there is an inherent policy conflict for the site. For the reasons outlined in the previous section, CHT consider that the existing allocation on the site fails to recognise the unique circumstances of the site. To reflect the aspirations of Policy SHE1, a bespoke allocation should be provided in the emerging Local Plan to enable adaptive reuse options to be explored so that the historic asset can be preserved whilst remaining financially viable.

To address this inherent conflict, there is a pressing need for the Site to be removed from policy allocation SEC3 and for the site to have its own bespoke allocation, which would allow for the exploration of alternative uses under the principles outlined in Policy SHE1. This would result in a more balanced approach that not only preserves and enhances the unique heritage embodied by the Soho Foundry buildings, but also make it deliverable within the plan period.

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the Site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. Specifically focusing on Smethwick, part g of policy SEC3 establishes that the regeneration of Smethwick should be largely driven by the desire to "accommodate new green neighbourhoods on re-purposed employment land" and provide new active travel routes. As noted in part i) of the policy, Rolfe Street is specifically identified as an area to accommodate new residential development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as community. As noted within the supporting text, paragraph 3.38, funding has recently been granted from the Towns Fund to bring forward residential development at Grove Lane and Rolfe Street. Collectively Rolfe Street Masterplan (approved June 2023) and Grove Land Masterplan were (approved January 2022) will deliver approx. 1,200 dwellings. This represents 46% of the total 2,581 dwelling target set out in SDS2.

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Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm's Metals. The allocation of

this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is recommended that the Council considers options for the wider regeneration of this area.

In conclusion, the representations put forth by CHT underscore the unique challenges and opportunities associated with the Soho Foundry and Mint site. The Grade II* listed buildings and rich industrial heritage of the site demand a tailored approach that goes beyond the industrial use constraints of proposed Policy SEC3.

Rather than perpetuate the historical ineffectiveness of the prior allocation, a fresh approach is needed to realise the restoration of the Site, in accordance with Paragraph 126 of the NPPF. The Site has significant potential not only to meet the Council's heritage aims (under Policy SHE1), but also create a substantial regeneration opportunity (in accordance with Policy SDS2). However, without the removal of the Site from allocation SEC3 and the granting of a bespoke site specific and flexible allocation which reflects the unique circumstances of the site, this will never be achieved.

CHT believe that the site could potentially accommodate a range of business, tourism and leisure uses that would foster the public enjoyment of these assets. Further technical work will be prepared in due course to bring forward masterplan proposals for the site.

CHT would like to work with the planning policy team and relevant consultees in this process to ensure a suitable solution is found, which supports the heritage regeneration aspirations of the Trust.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SWA2 – Waste Sites

Respondent: Icen Projects (Ms Georgia Tuttle) [318]

Date received: 12/11/2024 via Email

Summary:

Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm's Metals. The allocation of this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is recommended that the Council considers options for the wider regeneration of this area.

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Full text:

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- The existing or potential use and/ or traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or the highway network; and
- Good public transport accessibility.

The financial feasibility of restoring the heritage assets on the Site is significantly compromised within the framework of this allocation. The allocation is tailored for generic industrial spaces, trade, haulage or logistics related uses, which is unlikely to generate the significant financial investment required for CHT and/or others to support and deliver the successful restoration of this site. Currently, the heritage assets on the Site are not in active industrial use and the restoration of the assets for these uses is not the optimal viable use, nor are these uses suitable for the existing buildings and structures on the Site. The only hope for the restoration of this internationally recognised heritage asset undoubtedly relies on the support of the public sector.

In reference to the Soho Foundry, the Council's own response to March 2023 representation (published September 2024) states "It is accepted that the future of the site is somewhat dependent on introducing a high quality, mixed use, heritage led, regeneration programme". There is a clear acceptance from the local authority that the future of the Soho Foundry and its restoration is dependent on the Site being allocated for mixed-use. This is somewhat in conflict with the allocation and limitation of the Site for traditional industrial employment use and presents a significant policy hurdle and blocker to CHT's aims and objectives of regenerating this site. Notwithstanding, the proposed sole employment use allocation is not considered to accord with Chapter 16 of the NPPF Conserving and enhancing the historic environment, and more specifically paragraph 196 which establishes that:

See attachment for table

CHT, a trust which is driven by the protection, restoration, and celebration of the Soho Foundry buildings, consider that the inclusion of the Site within the wider employment allocation will render it undeliverable, and provides a significant barrier to the restoration of the Site.

If the Site remains in a predominantly industrial allocation, CHT may have no choice but to abandon the Site, which begs the question as to whether a commercial developer or industrial business will be willing to take on this financial cost and afford equal priority to the history and celebration of these assets. CHT agree that some employment uses could form part of the mix of uses proposed, but if the policy position is overly restrictive, as currently set out in the Reg 19 Local Plan, then it is likely that funding availability to restore the site will be limited.

Policy SEC3 Response – Site specific allocation

To facilitate the regeneration of the Site, it is essential to carve out a specific site allocation that caters solely and explicitly to the Soho Foundry buildings, so it is viable and not hinged upon the wider industrial-led regeneration of the area. This bespoke allocation should provide the flexibility needed to explore a range of uses that align with heritage-led regeneration, enabling CHT to achieve its mission without the constraints imposed by the Policy SEC3 framework.

There is a clear policy rationale at the national level for a new approach to be considered in the next Local Plan. Paragraph 126 of the NPPF emphasises the need for planning policies to reflect changes in demand for land. Given the prolonged lack of progress under the existing policy, it is prudent to reassess and reallocate the land for a more deliverable use. The proposed draft policy hinders the ability of the site to be restored and fulfil alternative needs, including the restoration and celebration of unique heritage assets of national value.

The rationale for a bespoke application is also supported by NPPF Paragraph 212, which outlines the importance of seeking opportunities for new a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Policy SHE1 – Listed Buildings and Conservation Areas Policy SHE1 outlines several key aims and objectives in preserving listed buildings and conservations areas as detailed below:

1. Impact of development proposals on the significance of Sandwell's heritage assets and their setting will be considered with case law, legislation and the NPPF
2. Proposals should protect the significance of heritage assets and conserve and enhance local character and aspects of heritage assets together with their settings. The general presumption will be retaining and protecting assets from adverse impacts
3. Proposals should demonstrate how they respond to the significance of heritage assets
4. Council will conserve and enhance the settings on listed buildings through exercising appropriate control over development
5. Proposals must respect the historic character and architectural style, considering building scale, grouping, materials and fenestration
6. The loss of any historic asset/ historic feature will be resisted, and every attempt should be made to secure the asset in as complete form as possible.

It is clear that the policy aims to take every measure in the protection of Sandwell's heritage assets. This is significantly outlined in art 6 of Policy SHE1, which notes that "every attempt should be made to secure the asset". This indicates that the alternative uses proposed in this representation could be supported by the Council, however, as the site is designated under Policy SEC3, development of the site is restricted to industrial uses indicating that there is an inherent policy conflict for the site. For the reasons outlined in the previous section, CHT consider that the existing allocation on the site fails to recognise the unique circumstances of the site. To reflect the aspirations of Policy SHE1, a bespoke allocation should be provided in the emerging Local Plan to enable adaptive reuse options to be explored so that the historic asset can be preserved whilst remaining financially viable.

To address this inherent conflict, there is a pressing need for the Site to be removed from policy allocation SEC3 and for the site to have its own bespoke allocation, which would allow for the exploration of alternative uses under the principles outlined in Policy SHE1. This would result in a more balanced approach that not only preserves and enhances the unique heritage embodied by the Soho Foundry buildings, but also make it deliverable within the plan period.

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the Site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. Specifically focusing on Smethwick, part g of policy SEC3 establishes that the regeneration of Smethwick should be largely driven by the desire to "accommodate new green neighbourhoods on re-purposed employment land" and provide new active travel routes. As noted in part i) of the policy, Rolfe Street is specifically identified as an area to accommodate new residential development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as community. As noted within the supporting text, paragraph 3.38, funding has recently been granted from the Towns Fund to bring forward residential development at Grove Lane and Rolfe Street. Collectively Rolfe Street Masterplan (approved June 2023) and Grove Land Masterplan were (approved January 2022) will deliver approx. 1,200 dwellings. This represents 46% of the total 2,581 dwelling target set out in SDS2.

Given the emerging residential context, CHT are of the view that the Site should be considered within the wider context, with the Site presenting a valuable opportunity to provide crucial amenity and uses that are compatible with the wider area and residential development.

Notwithstanding, paragraph 3.40 recognises Soho Foundry as playing an important role in the delivery of this aim, noting the "opportunities exist to invest in Soho Foundry and surrounding area, creating mixed-use facility that will attract visitors and revitalise this part of the borough". The Site is located along the Canal Corridor and contains exceptionally significant buildings which are capable of promoting the area's unique history and provide significant community facilities for the public. The Site could also be safely accessed by pedestrians from the canal, promoting active travel along this route. Despite this, the inclusion of the Site within Policy SEC3 is in conflict with the aims and objectives of Policy SD2 and supporting text. Policy SEC3 will instead mean that the restoration of the Site would be restricted to industrial uses, which would work against the aspiration to create green neighbourhoods using re-purposed employment land and therefore strongly hinder the public enjoyment of these assets. Therefore, the Site should be removed from Policy Allocation SEC3 and a bespoke allocation which supports flexible uses included within the emerging Local Plan if the regeneration aims of Policy SDS2 are to be achieved.

Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm's Metals. The allocation of this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is

recommended that the Council considers options for the wider regeneration of this area.

In conclusion, the representations put forth by CHT underscore the unique challenges and opportunities associated with the Soho Foundry and Mint site. The Grade II* listed buildings and rich industrial heritage of the site demand a tailored approach that goes beyond the industrial use constraints of proposed Policy SEC3.

Rather than perpetuate the historical ineffectiveness of the prior allocation, a fresh approach is needed to realise the restoration of the Site, in accordance with Paragraph 126 of the NPPF. The Site has significant potential not only to meet the Council's heritage aims (under Policy SHE1), but also create a substantial regeneration opportunity (in accordance with Policy SDS2). However, without the removal of the Site from allocation SEC3 and the granting of a bespoke site specific and flexible allocation which reflects the unique circumstances of the site, this will never be achieved.

CHT believe that the site could potentially accommodate a range of business, tourism and leisure uses that would foster the public enjoyment of these assets. Further technical work will be prepared in due course to bring forward masterplan proposals for the site.

CHT would like to work with the planning policy team and relevant consultees in this process to ensure a suitable solution is found, which supports the heritage regeneration aspirations of the Trust.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Introduction

Respondent: Mr Joshua James [128]

Date received: 30/10/2024 via Email

Summary:

We have no specific comments to make on the specific policies detailed in the Plan and are supportive of the plan and policies overall. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.

Full text:

Position Statement

Thank you for the opportunity to comment on your consultation. We have no specific comments to make on the specific policies detailed in the Plan and are supportive of the plan and policies overall. Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments on the impacts of future developments and to provide advice regarding policy wording on other relevant areas such as water efficiency, Sustainable Drainage Systems (SuDS), biodiversity, and blue green infrastructure. Where more detail is provided on site allocations, we will provide specific comments on the suitability of the site with respect to the water and sewerage network. In the instances where there may be a concern over the capacity of the network, we may look to undertake modelling to better understand the potential risk. For most developments there is unlikely to be an issue connecting. However, where an issue is identified, we will look to discuss in further detail with the Local Planning Authority. Where there is sufficient confidence that a development will go ahead, we will look to complete any necessary improvements to provide additional capacity.

Wastewater - Network

Using the site allocation data provided in the Regulation 19 consultation documents (and where appropriate previous data provided as part of the Infrastructure Delivery Plan and Water Cycle Study), we have undertaken a high-level review of each of the site allocations provided. Each site has been assessed to identify what the likely impact would be on both the Foul network and, where appropriate, the Surface Water network.

It must be noted that the purpose of the desktop-based assessments is to indicate where proposed development may have a detrimental impact on the performance of the existing public sewerage network, taking into account the size of the development proposals. These are desktop assessments using readily available information and have not been subjected to detailed hydraulic modelling. We have produced a summary of the sites and their respective risks below. We request that consultations / discussions are initiated as early as possible so we can perform more detailed assessments of the sites and their potential impact(s).

Wastewater Strategy

We have a duty to provide capacity for new development in the sewerage network and at our Wastewater Treatment Works (WwTW) and to ensure that we protect the environment. On a company level we have produced a Drainage and Wastewater Management Plan (DWMP) covering the next 25 years, which assesses the future pressures on our catchments including the impacts of climate change, new development growth and impermeable area creep. This plan supports future investment in our wastewater infrastructure and encourages collaborative working with other Risk Management Authorities to best manage current and future risks. More information on our DWMP can be found on our website <https://www.severntrent.com/about-us/our-plans/drainage-wastewater-management-plan/>.

Where site allocations are available, we can provide a high-level assessment of the impact on the existing network. Where issues are identified, we will look to undertake hydraulic sewer modelling to better understand the risk and where there is sufficient confidence that a development will be built, we will look to undertake an improvement scheme to provide capacity.

Surface Water

Management of surface water is an important feature of new development as the increased coverage of impermeable area on a site can increase the rainwater flowing off the site. The introduction of these flows to the public sewerage system can increase the risk of flooding for existing residents. It is therefore vital that surface water flows are managed sustainably, avoiding connections into the foul or combined sewerage system and where possible directed back into the natural water systems. We recommend that the following policy wording is included in your plan to ensure that surface water discharges are connected in accordance with the drainage hierarchy:

Blue Green Infrastructure

We are supportive of the principles of blue green infrastructure and plans that aim to improve biodiversity across our area. Looking after water means looking after nature and the environment too. As a water company we have launched a Great Big Nature Boost Campaign which aims to revive 12,000 acres of land, plant 1.3 million trees and restore 2,000km of rivers across our region by 2027. We also have ambitious plans to revive peat bogs and moorland, to plant wildflower meadows working with the RSPB, National Trust, Moors for the Future Partnership, the Rivers Trust, National Forest and regional Wildlife Trusts and conservation groups.

We want to encourage new development to continue this theme, enhancing biodiversity and ecology links through new development so there is appropriate space for water. To enable planning policy to support the principles of blue green Infrastructure, biodiversity and protecting local green open spaces we recommend the inclusion of the following policies:

Water Quality and Resources

Good quality watercourses and groundwater is vital for the provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that the water quality of our supplies are not impacted by our operations or those of others. Any new developments need to ensure that the Environment Agency's Source Protection Zones (SPZ) and Safeguarding Zone policies which have been adopted by Natural Resources Wales are adhered to. Any proposals should take into account the principles of the Water Framework

Directive and River Basin Management Plan as prepared by the Environment Agency.

Every five years we produce a Water Resources Management Plan (WRMP) which focuses on how we plan to ensure there is sufficient supply of water to meet the needs of our customers whilst protecting our environment over the next 25 years. We use housing target data from Local Planning Authorities to plan according to the projected growth rates. New development results in the need for an increase in the amount of water that needs to be supplied across our region. We are committed to doing the right thing and finding new sustainable sources of water, along with removing unsustainable abstractions, reducing leakage from the network and encouraging the uptake of water meters to promote a change in water usage to reduce demand.

Water Supply

For the majority of new developments, we do not anticipate issues connecting new development, particularly within urban areas of our water supply network. When specific detail of planned development location and sizes are available a site-specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts. If significant development in rural areas is planned, this is more likely to have an impact and require network reinforcements to accommodate greater demands.

Developer Enquiries

When there is more detail available on site-specific developments, we encourage developers to get in contact with Severn Trent at an early stage in planning to ensure that there is sufficient time for a development site to be assessed and if network reinforcements are required that there is time to develop an appropriate scheme to address the issues. We therefore encourage developers to contact us, details of how to submit a Developer Enquiry can be found here - <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiries/>

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1368

Comment

Document Element: Policy SEC1 – Providing for Economic Growth and Jobs

Respondent:Lichfield District Council (Melissa Ross, Senior Policy & Strategy Officer) [309]

Date received: 05/11/2024 via Email

Summary:

It is noted within Policy SEC1 that there is an employment need of 212ha in Sandwell. The total identified supply is 42ha, leaving a significant shortfall of 170ha. This is proposed to be exported through the Duty to Cooperate to authorities within the Functional Economic Market Area (FEMA). LDC supports SMBC in meeting its own needs through the allocation of new employment sites and ongoing Duty to Cooperate discussions with BC FEMA authorities.

The now withdrawn Lichfield District Local Plan 2043 identified that there is a relatively limited supply of employment sites within Lichfield District and that the council was unable to assist authorities in respect of any unmet employment needs.

Full text:

It is noted within Policy SEC1 that there is an employment need of 212ha in Sandwell. The total identified supply is 42ha, leaving a significant shortfall of 170ha. This is proposed to be exported through the Duty to Cooperate to authorities within the Functional Economic Market Area (FEMA). LDC supports SMBC in meeting its own needs through the allocation of new employment sites and ongoing Duty to Cooperate discussions with BC FEMA authorities.

The now withdrawn Lichfield District Local Plan 2043 identified that there is a relatively limited supply of employment sites within Lichfield District and that the council was unable to assist authorities in respect of any unmet employment needs.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1369

Comment

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: Lichfield District Council (Melissa Ross, Senior Policy & Strategy Officer) [309]

Date received: 05/11/2024 via Email

Summary:

Paragraph 7.75 indicates a need for 14 pitches over the plan period up to 2041. The SLP has allocated sites for 10 pitches, resulting in a shortfall of 4 pitches. LDC supports SMBC's approach, as outlined in paragraph 7.78, to continue seeking new or expanded public sites to address this unmet need and to respond positively to windfall proposals.

As noted above, LDC's Local Plan is in the early stages of preparation and as such has not yet established the Gypsy and Traveller Needs to be planned for. However, both the adopted Local Plan and withdrawn Local Plan were not able to identify sufficient sites to meet the need at the time. Indeed, Lichfield District Council previously wrote to neighbouring authorities to ascertain whether they could assist in meeting this unmet need.

Full text:

Paragraph 7.75 indicates a need for 14 pitches over the plan period up to 2041. The SLP has allocated sites for 10 pitches, resulting in a shortfall of 4 pitches. LDC supports SMBC's approach, as outlined in paragraph 7.78, to continue seeking new or expanded public sites to address this unmet need and to respond positively to windfall proposals.

As noted above, LDC's Local Plan is in the early stages of preparation and as such has not yet established the Gypsy and Traveller Needs to be planned for. However, both the adopted Local Plan and withdrawn Local Plan were not able to identify sufficient sites to meet the need at the time. Indeed, Lichfield District Council previously wrote to neighbouring authorities to ascertain whether they could assist in meeting this unmet need.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Lichfield District Council (Melissa Ross, Senior Policy & Strategy Officer) [309]

Date received: 05/11/2024 via Email

Summary:

The comments below focus on the primary area of concern from Lichfield District Council's perspective which relates to unmet housing need arising from Sandwell and the wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

LDC along with SMBC have been an active member of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) officers' group and have contributed to discussion relating to the delivery of unmet need within the housing market area, including the ongoing work to update the 2018 Strategy Growth Study.

LDC notes that the consultation on the NPPF included proposals to change the 'standard method' which is used to calculate an area's Local Housing Need. Under the proposed changes SMBC's LHN would decrease by 3%, whilst LDC's will increase significantly (by 160%). As such, it is important that as both authority's plans progress, they have regard to the relevant housing requirement and consider the implications for both councils should the proposed changes to the standard method be implemented by Government having regard to any transitional arrangements.

It is noted that at paragraph 3.13, the SLP identifies that there is a total local housing need of 26,350 and that the SLP aims to allocate sites to deliver 10,434 of these homes. As such, the plan proposes a supply of just over 39% of its total need. This shortfall when combined with further potential shortfalls within the housing market area is significant. There is concern that the 'balanced green growth' may not have thoroughly explored all opportunities to increase housing delivery within its administrative area, including reviewing Green Belt boundaries and increasing densities. As such, LDC considers that in the context of this unmet need SMBC should have undertaken a review of its Green Belt boundaries to order to understand whether changes to the boundary could be made to assist in meeting its own needs. SMBC will need to full evidence and justify that they have explored and exhausted all options to accommodate growth within their administrative area. Furthermore, SMBC should identify any further potential sources of housing land supply and ensure that all development opportunities within its administrative area are maximised prior to any shortfall being exported to other areas.

LDC notes that Policy SDS1 states that housing and employment needs that cannot be accommodated within the borough will be exported to neighbouring local authority areas. LDC wishes to stress that this should be based on a clear understanding of the functional and physical relationships within the functional economic area, including migration and commuting patterns, to ensure needs are met as close as possible to where they arise.

Full text:

Thank you for the opportunity to respond to Sandwell Metropolitan Borough Council's (SMBC) Local Plan Publication (Regulation 19) consultation. Lichfield District Council (LDC) welcomes this opportunity to provide formal comments on the plan.

The comments below focus on the primary area of concern from Lichfield District Council's perspective which relates to unmet housing need arising from Sandwell and the wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

LDC along with SMBC have been an active member of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) officers' group and have contributed to discussion relating to the delivery of unmet need within the housing market area, including the ongoing work to update the 2018 Strategy Growth Study.

LDC notes that the consultation on the NPPF included proposals to change the 'standard method' which is used to calculate an area's Local Housing Need. Under the proposed changes SMBC's LHN would decrease by 3%, whilst LDC's will increase significantly (by 160%). As such, it is important that as both authority's plans progress, they have regard to the relevant housing requirement and consider the implications for both councils should the proposed changes to the standard method be implemented by Government having regard to any transitional arrangements.

It is noted that at paragraph 3.13, the SLP identifies that there is a total local housing need of 26,350 and that the SLP aims to allocate sites to deliver 10,434 of these homes. As such, the plan proposes a supply of just over 39% of its total need. This shortfall when combined with further potential shortfalls within the housing market area is significant. There is concern that the 'balanced green growth' may not have thoroughly explored all opportunities to increase housing delivery within its administrative area, including reviewing Green Belt boundaries and increasing densities. As such, LDC considers that in the context of this unmet need SMBC should have undertaken a review of its Green Belt boundaries to order to understand whether changes to the boundary could be made to assist in meeting its own needs. SMBC will need to full evidence and justify that they have explored and exhausted all options to accommodate growth within their administrative area. Furthermore, SMBC should identify any further potential sources of housing land supply and ensure that all development opportunities within its administrative area are maximised prior to any shortfall being exported to other areas.

LDC notes that Policy SDS1 states that housing and employment needs that cannot be accommodated within the borough will be exported to neighbouring local authority areas. LDC wishes to stress that this should be based on a clear understanding of the functional and physical relationships within the functional economic area, including migration and commuting patterns, to ensure needs are met as close as possible to where they arise.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1371

Comment

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: litchfield District Council (Melissa Ross, Senior Policy & Strategy Officer) [309]

Date received: 05/11/2024 via Email

Summary:

Paragraph 3.99 states that SMBC has taken the decision not to review Green Belt boundaries within the SLP. This follows changes which were made to the NPPF in December 2023 which allowed authorities to determine whether they would undertake a review of the Green Belt. It is noted that following the general election in July 2024 government have consulted upon further changes to the NPPF which could reverse the changes made in December 2023. Should these changes come into force this would require authorities to undertake a Green Belt review should they not be able to accommodate all their housing within their administrative boundaries, subject to any transitional arrangements.

Whilst LDC recognises the highly constrained nature of the land supply in Sandwell, it is considered that SMBC should seek to accommodate as much housing within its own administrative boundary as possible to meet its own needs, including maximising densities and considering whether Green Belt release could assist in accommodating need. There are limited areas beyond the Green Belt within the GBBCHMA and should all authorities determine not to consider their Green Belt boundaries this will significantly limit the ability of the authorities to address the shortfall. Indeed the delivery of homes within SMBC's area would ensure the homes are delivered closest to where the need arises.

SMBC will therefore need to fully justify and evidence that there are no exceptional circumstances that exist that could justify potential Green Belt release. Given the significant level of unmet need and noting the benefits of delivering need closes to where it arises, it may be that such circumstances exist.

Full text:

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Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: McCarthy & Stone [334]

Agent: Planning Issues (Lauren Bishop) [332]

Date received: 11/11/2024 via Email

Summary:

SCC1

The Councils commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCC1.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCC1 of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

o.ukThis is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCC1 must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCC1 have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

Full text:

SCC1

The Councils commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCC1.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCC1 of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

o.ukThis is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCC1 must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that

this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCC1 have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing.....Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

“Proposals for specific forms of housing including children’s homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ...”

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

“Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041.”

Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO4 - Affordable Housing
 Respondent: McCarthy & Stone [334]
 Agent: Planning Issues (Lauren Bishop) [332]
 Date received: 11/11/2024 via Email

Summary:
 SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment. We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal

inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

Full text:

SCCI

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCCI.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCCI of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

This is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCCI must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCCI have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCCI. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCCI are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCCI. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCCI on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCCI.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have

set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment. We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing.....Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

"Proposals for specific forms of housing including children's homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ..."

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

"Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041."

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO10 - Housing for people with specific needs

Respondent: McCarthy & Stone [334]

Agent: Planning Issues (Lauren Bishop) [332]

Date received: 11/11/2024 via Email

Summary:

Paragraph 1 of the PPG Housing for Older and Disabled people states:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasingOffering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”.

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children’s homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council’s own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

“Proposals for specific forms of housing including children’s homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ...”

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

“Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041.”

Full text:

SCCI

The Councils commitment to meeting both its and the UK Government’s target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCCI.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate sChurchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCCI of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

o.ukThis is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCCI must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

“The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan” (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCCI have not been tested appropriately within the Viability Report

(2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

SHO4

The Sandwell Local Plan 2024-2041 (Regulation 19 Consultation) is one of an alarmingly limited number of emerging Local Plans that have set differential affordable housing rates. The Lower Value Zones and Brownfield Sites in Medium Zones have an affordable housing requirement of 10% and Higher Value Zones have an affordable housing requirement of 25%. This is, of itself, highly commendable and suggests a greater focus on viability at the Plan making stage. Figure 5 of the Local Plan has been prepared highlighting the affordable housing zones, which have been demarcated through current ward boundaries.

The affordable housing targets as set out in Policy SHO4 Affordable Housing are informed by the evidence base – namely the Sandwell Local Plan Viability Assessment (November 2023) and the subsequent Sandwell Local Plan - Addendum Report (September 2024) undertaken by Aspinall Verdi (hereafter referred to as the Viability Assessment). We note that the Addendum Report has specifically assessed the viability of older persons housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we welcome acknowledgment of the Retirement Housing Group value assumptions in premiums on typical private residential apartments, including works undertaken by both Churchill Retirement Living (now named Churchill Living) and McCarthy & Stone (June 2013).

The Viability Study Addendum Report undertakes viability on both older persons housing and extra care schemes comprising of 60 units in each of the value zones.

Paragraph 7.50 stipulates:

Across all the schemes tested, negative RLV's ranging from -£4,003,000 to -£3,070,000 per acre, meaning that all the schemes produce a large deficit when compared to the BLVs. This therefore means that all the schemes are fundamentally unviable. (our emphasis added)

Paragraph 10.10 identifies:

Given the results of our viability appraisals in Section 7 confirming that Older Person's housing to be fundamentally unviable, we recommend that affordable housing provision is not included on retirement living and extra care schemes. (our emphasis added)

The findings of the Addendum Report (2024) are welcomed by both Churchill Living and McCarthy Stone. However, despite the conclusions that affordable housing provision is not included for either retirement living or extra care scheme, Local Plan policy SHO4 Affordable Housing has not taken these findings into account.

It is at this stage we must highlight the guidance in the NPPF and the PPG identifying the role of viability assessment within the Plan making stage:

Where up-to-date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage/ This weight to be given to a viability assessment is a matter for the decision maker having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (paragraph 58).

Council Members, Officers and the general public will assume that applications for retirement living, and extra care housing will be able to support a policy compliant level (10-25%) of affordable housing. This would be wholly at odds with the viability evidence underpinning the Local Plan.

Therefore, as Policy SHO4 does not provide an affordable housing contribution exemption for retirement living and extra care housing specifically, we must consider the Local Plan to be unsound on the grounds that affordable housing targets are not justified, positively prepared, effective or consistent with national policy.

Accordingly, we would like to draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

Due to specific viability challenges of delivering older person's housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.

Charnwood

Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought.

Having gone to the extents of testing the typology at the plan making stage, in particular with the additional Addendum Report produced in September 2024, to then ignore the findings seems to be a wasted exercise and contrary to the PPG which clearly requires that local plan policy consider viability at the plan making stage. The above examples of adopted and emerging policy reflect the correct approach in this regard.

A nil affordable housing rate could facilitate a step-change in the delivery of older persons housing in the Borough, helping to meet the diverse housing needs of the elderly as detailed in Local Plan Policy SHO10 Housing for People with Specific Need. The benefits of specialist older persons housing extend beyond the delivery of planning obligations as these forms of developments contribute to the regeneration of town centres and assist Council's by making savings on health and social care.

RECOMMENDATION:

We recommend the following addition to Policy SHO4:

The Viability Study concludes that affordable housing is not viable for retirement living and extra care housing. Therefore, Policy SHO4 does not apply to retirement living or extra care housing.

SHO10

Paragraph 1 of the PPG Housing for Older and Disabled people states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing.....Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".

Paragraph: 001 Reference ID: 63-001-20190626

As part of the Local Plan evidence based, a Strategic Housing Market Assessment has been produced (dated August 2024). The SHMA identifies at paragraph 7.8 that the population aged 65 or over is going to increase notably in Sandwell over the modelling period; from 51,258 in 2024, to 72,608 in 2041, presenting a rise of 41.7%.

The SHMA goes on to set out the projected requirement for specialist accommodation for older persons households in Sandwell between 2024-2041. Table 7.2 recognises a requirement for 1,708 additional units of retirement living/sheltered housing and 378 additional units for extra care housing.

Whilst it is commendable that Policy SHO10 supports the delivery of specialist forms of housing, including children's homes, care homes, nursing homes, extra care facilities, we must question why sheltered housing/retirement living has not been specifically identified within the wording of the policy. Given the identified need of 1,708 additional units of sheltered housing/retirement living, we would expect to see specific mention supporting the delivery of this type of housing.

RECOMMENDATION

In line with the evidence set out in the Council's own Strategic Housing Market Assessment, we recommend the following addition to Policy SHO10:

"Proposals for specific forms of housing including children's homes, care homes, nursing homes, extra care facilities, sheltered housing/retirement living, or any other identified need will be considered in relation to the following criteria: ..."

We would also question whether this wording is taken far enough given there is a clear and justified need for specialist accommodation for older people in line with recent evidence. On that basis we would recommend point 3 is added with the suggested wording below:

"Proposals for older persons housing, including sheltered housing/retirement living and extra care facilities will be supported in principle to ensure the delivery of the 2,086 units required between 2024-2041."

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: National Grid [79]

Agent: Avison Young (Mr Matt Verlander, Director) [77]

Date received: 05/11/2024 via Email

Summary:

Portway Road Substation Open Space - Oldbury Substation and surrounding NGET land ownership

A plan showing details of the site locations and details of NGET assets is attached to this letter. Please note that this plan is illustrative only. Without appropriate acknowledgement of the NGET assets present within the site, these policies should not be considered effective as they cannot be delivered as proposed; unencumbered by the constraints posed by the presence of NGET infrastructure.

We propose modifications to the above site allocations and/or policies to include wording to the following effect: “x. The site will be developed with the following site-specific criteria:

x. a strategy for responding to the NGET overhead transmission lines present within the site which demonstrates how the NGET Design Guide and Principles have been applied at the masterplanning stage and how the impact of the assets has been reduced through good design.”

Please see attached information outlining further guidance on development close to NGET assets. NGET also provides information in relation to its assets at the website below.

• <https://www.nationalgrid.com/electricity-transmission/network-andinfrastructure/network-route-maps>

Further to the abovementioned conflicting site allocations, it has been identified that the Local Plan makes designations for new areas of open space. Policy SHW4 Open Space and Recreation includes a designation for Portway Road Substation Open Space (see Figure 1). NGET is currently investing in the network of the future to connect more lower carbon electricity to the network, which is crucial for the nation to achieve national net zero ambitions. NGET has a statutory duty to offer generation and demand customers connections to the network in an economic and efficient way.

There has been at substation at Oldbury for many years and it is an important node on the network to enable electricity to be transmitted securely and reliably. Since the acquisition of the land at Oldbury substation, the land outside of the electrical fence line has been retained in the long-term interests of our undertaking and is regarded a “operational land”. This land should therefore not be classified as open space and should be safeguarded for NGET’s operational use.

This designation is categorised as amenity open space and measures 6.95ha. The designation does not appear in the adopted Local Plan, with the area comprising white land. NGET is not able to release land immediately adjacent to operational substations as the land needs to be safeguarded to allow for any potential development in the future. Whilst there are no immediate plans to extend the substation, NGET needs to address the future particularly with the move to net zero and decarbonisation of the energy network.

Full text:

National Grid Electricity Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

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be consulted independently. National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid’s core regulated businesses. Please also consult with NGV separately from NGET.

Proposed development sites crossed or in close proximity to NGET assets:

Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed or in close proximity to NGET assets. Details of the sites affecting NGET assets are provided below.

Site of Bilport Lane, Wednesbury - VT ROUTE TWR (001A - 016): 400Kv Overhead Transmission Line route: BERKSWELL - OCKER HILL

Lion Farm - YJ ROUTE: 275Kv Overhead Transmission Line route: KITWELL - OCKER HILL

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There has been a substation at Oldbury for many years and it is an important node on the network to enable electricity to be transmitted securely and reliably. Since the acquisition of the land at Oldbury substation, the land outside of the electrical fence line has been retained in the long-term interests of our undertaking and is regarded as a “operational land”. This land should therefore not be classified as open space and should be safeguarded for NGET’s operational use.

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Demand for electricity is expected to rise as the way we power our homes, businesses and transport changes. As the nation moves towards net zero, the fossil fuels that once powered our economy will be replaced with sources of low-carbon electricity, such as offshore wind farms.

The UK Government has committed to reach net zero emissions by 2050. This means achieving a balance between the greenhouse gases put into the atmosphere and those taken out. Decarbonising the energy system is vital to this aim.

NGET’s infrastructure projects in England and Wales will support the country’s energy transition and make sure the grid is ready to connect to more and more sources of low carbon electricity generated in Britain.

The way we generate electricity in the UK is changing rapidly. This means we need to build new infrastructure and make upgrades to the grid to bring this clean, green energy from where it’s generated to where it’s needed by homes and businesses.

Further Advice

In summary, NGET must object to the proposed site allocations without appropriate acknowledgement and protection of the NGET assets present within these sites in line with NGET Design Guide and Principles. In addition, NGET object to the proposed designation of open space for the land surrounding Oldbury substation. This land is privately owned and may be required for low carbon energy purposes and National Grid’s operational use to meet the country’s net zero targets and meet the increasing demand for electricity to power our homes, businesses and transport.

NGET is happy to provide advice and guidance to the Council concerning their networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGET on any Development Plan Document (DPD) or site-specific proposals that could affect NGET’s assets. We would be grateful if you could check that our details as shown below are included on your consultation database:

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The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

NGET’s statutory safety clearances are detailed in their ‘Guidelines when working near National Grid Electricity Transmission assets’, which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Change suggested by respondent:

Removal of the Portway Road Substation Open Space

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: National Grid [79]

Agent: Avison Young (Mr Matt Verlander, Director) [77]

Date received: 05/11/2024 via Email

Summary:

Lion Farm - YJ ROUTE: 275Kv Overhead Transmission Line route: KITWELL - OCKER HILL

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Further Advice

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Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: APPENDIX C - Employment

Respondent: National Grid [79]

Agent: Avison Young (Mr Matt Verlander, Director) [77]

Date received: 05/11/2024 via Email

Summary:

Site of Bilport Lane, Wednesbury - VT ROUTE TWR (001A - 016): 400Kv Overhead Transmission Line route: BERKSWELL - OCKER HILL

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Full text:

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Further Advice

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Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: 1. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

Summary:

National Highways agree in principle to the vision and objectives of the Regulation 19 Local Plan.

Full text:

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The Regulation 19 Local Plan outlines locally specific policies and both strategic and non-strategic site allocations to meet the housing and employment needs of Sandwell for the plan period from 2024 to 2041. We note that when adopted, this Local Plan will replace the Black Country Core Strategy (adopted in 2011), the Sandwell Site Allocations and Development Plan Document (the SAD, adopted in 2012) and Area Action Plans for West Bromwich, Smethwick and Tipton. We also note that the Local Plan will incorporate elements of former supplementary planning documents as appropriate and will include details from the West Bromwich Masterplan and Interim Planning Statement. We also note that the Local Plan includes a schedule of policies that remain saved from the previous plans, along with the inclusion of few new policies, as detailed in Appendix N of the Local Plan (Publication Version) document. National Highways agree in principle to the vision and objectives of the Regulation 19 Local Plan.

Employment and Housing Requirements

Based on our review of the Regulation 19 consultation, we note that the housing and employment requirement has changed since the 'Regulation 18 – Draft Local Plan' consultation. It outlines a requirement to deliver 211 hectares of employment land over the plan period. This includes 185 hectares identified in the Economic Development Needs Assessment (EDNA) 2023, with an additional 26 hectares of existing operational employment land reallocated for housing and other uses. The housing demand for the plan period from 2024 to 2041 has slightly reduced to 26,350 dwellings (1,464 dwellings per year), which is less than the earlier projection of 29,773 dwellings (1,489 dwellings per year) during the Regulation 18 consultation. We would welcome clarification from you on whether this is based on the latest housing requirement calculation.

Employment

The Regulation 19 Local Plan aims to deliver c.42 hectares of employment land, leaving a shortfall of 169 hectares.

Upon comparing the site allocations for employment land between the Regulation 18 and Regulation 19 consultations, we note that the allocations remain the same with only one site being removed (Site ID: SEC1-4 during the Regulation 18 consultation).

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- a) Clarification on how the impacts of Covid-19 on forecasts have been accounted for, ideally with reference to the guidance in TAG M4. We note that the report highlights that the previous Local Plan did not account for it, and that this was a red risk factor, but there is no reference to correcting for this, except for asserting that some elements of the lingering effects of Covid-19 are considered as part of NTEM 8.0. That is true, for the Behavioural Change CAS only (ref: Uncertainty Toolkit, para 5.30), but it's a different issue from assessing whether the base from which forecasting is undertaken needs adjustment (which is what M4 appendix B looks at).
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A total of 43 transport infrastructure schemes are included in the IDP Part 2, the majority of which focus on improving active travel and public transport. We acknowledge that specific infrastructure / mitigation requirements are yet to be finalised, as the modelling work associated with assessing the transport impacts of the proposed growth is ongoing. We look forward to receiving the final list.

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Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: 2. Spatial Strategy

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

Summary:

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Change suggested by respondent:

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- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified

Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: 8. Sandwell's Economy

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

Summary:

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Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 7. Sandwell's Housing

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

Summary:

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Change suggested by respondent:

■ -

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: 5. Climate Change

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

Summary:

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- Legally compliant: Not specified
- Sound: Not specified
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- Appear exam: Not specified
- Attachments:

Document Element: 11. Transport

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

Date received: 11/11/2024 via Email

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Document Element: 11. Transport

Respondent: National Highways (Kathryn Simmonite, Assistant Spatial Planner) [227]

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Policies STR4 (The Efficient Movement of Freight and Logistics), STR5 (Creating Coherent Networks for Cycling and Walking) and STR6 (Influencing the Demand for Travel and Travel Choices) sets guidelines on improving sustainable transport. We appreciate the effort taken in developing these policies and consider this to be aligned with the expectations set out in the National Planning Policy Framework and National Highways' Net Zero Strategy.

Impact Assessment

As noted in our response during the earlier consultation, any potential sites anticipated to have an impact on the SRN in the area are recommended to be subject to consultation with National Highways, and appropriately assessed in line with the Department for Transport (DfT) Circular 01/2022, to determine the potential impacts on the SRN in the area. Depending on the scale of likely impact on the SRN in the area, the applicant / developer may need to identify suitable mitigation measures (if required). It is to be noted that the cumulative impact of the proposed site allocations also needs to be assessed in line with the Circular for understanding the likely traffic impacts on the SRN in the area, in terms of capacity & safety and identifying any possible mitigation measures (if required).

Black Country Modelling Report

During the Regulation 18 consultation, the 'Black Country Transport Modelling Report (2023)' was submitted as part of the evidence base, which included the draft scenario assessments. Following our high-level review, National Highways acknowledged that the modelling exercise would be revised as the Local Plan progresses and provided comments which had to be considered in the full scenario assessment process.

As part of the Regulation 19 consultation, we note that a revised modelling report (dated 2024) is available. We have reviewed this along with the following documents:

1. PRISM6 Model Validation Report
2. PRISM6 Future Year Report
3. Transport Modelling to Support Local Plans within the Black Country (July 2024)

Based on our initial checks, we have the following comments where we seek clarity to help us proceed with the review.

- a) Clarification on how the impacts of Covid-19 on forecasts have been accounted for, ideally with reference to the guidance in TAG M4. We note that the report highlights that the previous Local Plan did not account for it, and that this was a red risk factor, but there is no reference to correcting for this, except for asserting that some elements of the lingering effects of Covid-19 are considered as part of NTEM 8.0. That is true, for the Behavioural Change CAS only (ref: Uncertainty Toolkit, para 5.30), but it's a different issue from assessing whether the base from which forecasting is undertaken needs adjustment (which is what M4 appendix B looks at).
- b) Clarification on when NTEM is referred to, which specific version and scenario is being used.
- c) Clarification on the forecasting approach: this appears to be presenting the results of a single forecast. In line with the advice in the Uncertainty Toolkit, what was the decision process for not exploring uncertainty?
- d) Information on the derivation of any new parameters developed, e.g. how were the parameters for new forecast years created, including the sources of inputs to the parameter calculations.
- e) Information that allows us to understand the stability of model outputs, how these change by area, etc. We would expect to see, as a bare minimum, demand model convergence, highway model convergence and stability, and network statistics (ideally by sector).

We look forward to engaging with you in addressing the above comments to expedite the process.

Infrastructure Delivery Plan (IDP)

During the Regulation 18 consultation, the Infrastructure Delivery Plan (IDP) – Part 1 (Infrastructure Assessment Need) was submitted, which provided an understanding of baseline infrastructure capacity and needs within Sandwell to accommodate the future growth.

As part of the current consultation, we appreciate that an Infrastructure Delivery Plan (IDP) – Part 2 (Infrastructure Delivery Schedule) has been submitted. Table 1 of IDP Part 2 notes that National Highways was consulted by the Council and asked to provide details on any specific transport infrastructure requirements related to the proposed site allocations, including cost estimates. At the time, National Highways indicated that we would confirm the need for mitigation measures following our review of the results of the Strategic Transport Assessment, once completed.

A total of 43 transport infrastructure schemes are included in the IDP Part 2, the majority of which focus on improving active travel and public transport. We acknowledge that specific infrastructure / mitigation requirements are yet to be finalised, as the modelling work associated with assessing the transport impacts of the proposed growth is ongoing. We look forward to receiving the final list.

Policy STR1 of the Regulation 19 Local Plan refers to improvements at M5 Junctions 1 and 2 (Appendix L – Transport Proposals) and we look forward to collaborating with you in identifying feasible mitigation measures.

Duty to Cooperate

For any developments which have an impact on neighbouring Local Authorities (LA), National Highways advises a joined-up approach whereby National Highways, Sandwell and the other Local Authorities attend joint meetings with future developers or applicants. This will ensure that the interests of all parties are protected, and a combined solution is derived.

National Highways will actively work with Sandwell MBC to develop and draft a Statement of Common Ground (SoCG) to deal with any strategic cross boundary issues as the Local Plan progresses.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified

Attachments:

Document Element: Vision for Sandwell

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Vision

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

Objective 10: To provide a built and natural environment that supports the making of healthier choices through provision for physical activity and recreation, active travel, encouraging social interaction and discouraging harmful behaviours.

Objective 11: To ensure new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles.

Objective 12: To provide a built and natural environment that protects health and wellbeing through minimising pollution (air, noise and other forms), providing healthy homes, reducing the negative health effects of climate change and providing streets safe for active, low emission travel for all.

Objective 14: To encourage the effective and prudent use of previously developed land, including the efficient use of land and buildings and the use of sustainable and climate-aware construction techniques within new developments, as well as providing for waste management and disposal.

Objective 16: To prioritise sustainable and active travel and seek to improve transport infrastructure, to ensure efficient and sustainable accessibility within an integrated network.

Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell. Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
- active and passive recreation;
- active travel; opportunities for people to make healthier choices.

- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
 - create new public open spaces to serve new housing developments
 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: Priorities and Objectives

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

Objective 10: To provide a built and natural environment that supports the making of healthier choices through provision for physical activity and recreation, active travel, encouraging social interaction and discouraging harmful behaviours.

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Objective 14: To encourage the effective and prudent use of previously developed land, including the efficient use of land and buildings and the use of sustainable and climate-aware construction techniques within new developments, as well as providing for waste management and disposal.

Objective 16: To prioritise sustainable and active travel and seek to improve transport infrastructure, to ensure efficient and sustainable accessibility within an integrated network.

Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

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Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in

those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
 - active and passive recreation;
 - active travel; opportunities for people to make healthier choices.
 - minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
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 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

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We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: 2. Spatial Strategy

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

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- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30)

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

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Natural England supports the parts of this policy which requires new development to address access to green space including,

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 - active and passive recreation;
 - active travel; opportunities for people to make healthier choices.
 - minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
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 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value,; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 1 I, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
- active and passive recreation;
- active travel; opportunities for people to make healthier choices.
- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
- create new public open spaces to serve new housing developments
- protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
- protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
- protect habitats and areas of ecological value; and
- protect areas with geological and landscape value;

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

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- allocate land with the least environmental or amenity value.

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Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

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Objective 11: To ensure new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles.

Objective 12: To provide a built and natural environment that protects health and wellbeing through minimising pollution (air, noise and other forms), providing healthy homes, reducing the negative health effects of climate change and providing streets safe for active, low emission travel for all.

Objective 14: To encourage the effective and prudent use of previously developed land, including the efficient use of land and buildings and the use of sustainable and climate-aware construction techniques within new developments, as well as providing for waste management and disposal.

Objective 16: To prioritise sustainable and active travel and seek to improve transport infrastructure, to ensure efficient and sustainable accessibility within an integrated network.

Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
 - active and passive recreation;
 - active travel; opportunities for people to make healthier choices.
 - minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
 - create new public open spaces to serve new housing developments
 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value;; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS2 – Increasing efficiency and resilience

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SDS2 – Increasing efficiency and resilience

Natural England supports this policy which should contribute to climate change mitigation and adaptation

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

Objective 10: To provide a built and natural environment that supports the making of healthier choices through provision for physical activity and recreation, active travel, encouraging social interaction and discouraging harmful behaviours.

Objective 11: To ensure new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles.

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Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Spatial Strategy

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Natural England is pleased to note that the Plan aims to address:

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- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

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- active and passive recreation;
- active travel; opportunities for people to make healthier choices.
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- protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
- protect habitats and areas of ecological value; and
- protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience

Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

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We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

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Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
- active and passive recreation;
- active travel; opportunities for people to make healthier choices.
- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
- create new public open spaces to serve new housing developments
- protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
- protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;

- protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

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We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments: None

Document Element: Policy SDS4 – Towns and Local Areas

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

Objective 10: To provide a built and natural environment that supports the making of healthier choices through provision for physical activity and recreation, active travel, encouraging social interaction and discouraging harmful behaviours.

Objective 11: To ensure new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles.

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Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

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Natural England is pleased to note that the Plan aims to address:

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- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
- active and passive recreation;

- active travel; opportunities for people to make healthier choices.
 - minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
 - create new public open spaces to serve new housing developments
 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

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additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

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We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appeal exam: Not specified
 Attachments: None

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

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Spatial Strategy

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- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

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- active travel; opportunities for people to make healthier choices.
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- protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
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- protect habitats and areas of ecological value; and
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- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments: None

Document Element: Policy SNEI – Nature Conservation

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SNEI – Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

- Conserve and enhance the natural environment, including landscapes and green infrastructure (GI)
- make as much use as possible of previously developed or 'brownfield' land
- allocate land with the least environmental or amenity value.

Natural England strongly supports a number of your plans' priorities, strategic objectives and policies including:

Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

Objective 2: Deliver sustainable development in locations where people can access jobs and services, delivering wider positive social and economic outcomes and protecting and enhancing local built and natural environments.

Objective 3: To protect and enhance Sandwell's natural environment, natural resources, biodiversity, wildlife corridors, geological resources, countryside and landscapes, whilst ensuring that residents have equitable access to interlinked green infrastructure.

Objective 10: To provide a built and natural environment that supports the making of healthier choices through provision for physical activity and recreation, active travel, encouraging social interaction and discouraging harmful behaviours.

Objective 11: To ensure new development and open spaces support health and wellbeing for all, reduce health inequalities and encourage active and healthy lifestyles.

Objective 12: To provide a built and natural environment that protects health and wellbeing through minimising pollution (air, noise and other forms), providing healthy homes, reducing the negative health effects of climate change and providing streets safe for active, low emission travel for all.

Objective 14: To encourage the effective and prudent use of previously developed land, including the efficient use of land and buildings and the use of sustainable and climate-aware construction techniques within new developments, as well as providing for waste management and disposal.

Objective 16: To prioritise sustainable and active travel and seek to improve transport infrastructure, to ensure efficient and sustainable accessibility within an integrated network.

Objective 18: To ensure development is supported by essential infrastructure and services and promotes safe movement and more sustainable modes of travel, through promoting greener travel networks for walking, cycling and public transport.

Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

- increased access to green spaces;
 - active and passive recreation;
 - active travel; opportunities for people to make healthier choices.
 - minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
 - create new public open spaces to serve new housing developments
 - protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
 - protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;
 - protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

Natural England supports all aspects of this policy. We are pleased to see the recognition of Sandwell as an important place within Britain and the Birmingham and Black Country conurbation for species movements.

We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments: None

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Full text:

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Spatial Strategy

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mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

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Natural England supports the parts of this policy which requires new development to address access to green space including,

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- active and passive recreation;
- active travel; opportunities for people to make healthier choices.
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- protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;

- protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

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Policy SDS4 – Towns and Local Areas

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Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

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Policy SDS8 - Green and Blue Infrastructure in Sandwell

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Policy SNE1 Nature Conservation

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Policy SNE1 – Nature Conservation

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Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments: None

Document Element: Policy SHW3 – Air Quality

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

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Objective 1: Ensure new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change.

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Spatial Strategy

We note that your authority has identified a need for 26,350 homes by 2041 and has a suitable supply of land for 10,434 with 15,916 homes unmet. We note your Duty to Co-Operate discussions have yielded an additional contribution to the Greater Birmingham and Black Country Housing Market of 4,240 of which none are currently apportioned to Sandwell. This leaves a significant remaining shortfall. There is the potential for this development to come forward in other authorities which may have knock effects on important environmental assets in those areas. As we previously

mentioned in relation to your HRA this could have impacts on sites such as Cannock Chase. A similar issue exists in relation to employment use.

Natural England is pleased to note that the Plan aims to address:

- nature conservation
- nature recovery network and biodiversity net gain
- provision, retention and protection of trees, woodlands and hedgerows
- historic character and local distinctiveness of the Black Country
- geodiversity and the Black Country UNESCO Global Geopark
- canals
- green belt

Natural England supports the desire to prevent the loss of open and green spaces across the district. We understand that will mean development elsewhere contributing to Sandwell's needs but believe in the importance of access to green infrastructure and open space.

Natural England largely supports the Balanced Green Growth approach (2.29 and 2.30) Policy SDS1 – Spatial Strategy for Sandwell

Natural England supports the parts of this policy which requires new development to address access to green space including,

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- active and passive recreation;
- active travel; opportunities for people to make healthier choices.
- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
- create new public open spaces to serve new housing developments
- protect and improve parks, woodland and tree planting, open spaces, landscapes and habitats across the borough;
- protect the openness, integrity and function of Sandwell's designated green belt by resisting inappropriate development in it;

- protect habitats and areas of ecological value; and
 - protect areas with geological and landscape value; Policy SDS2 – Increasing efficiency and resilience
- Natural England supports this policy which should contribute to climate change mitigation and adaptation

Policy SDS3 – Regeneration in Sandwell

Natural England supports the desire to provide new green links squares and parks as part of the West Bromwich regeneration and the use of Garden City principles for the regeneration of Dudley Port.

Policy SDS4 – Towns and Local Areas

Natural England strongly supports the desire for an integrated and where possible, an integrated continuous network of green infrastructure and walking and cycling routes.

Policy SDS5 - Achieving Well-designed Places – Natural England supports this policy, especially with regard to the integrated and well-connected multifunctional open space network will be pursued throughout Sandwell (linking to opportunities in the wider Black Country where possible), including through the design and layout of new developments. You may wish to consider the linkages beyond the wider Black Country and consider Birmingham, Staffordshire and the wider countryside

additionally.

Policy SDS8 - Green and Blue Infrastructure in Sandwell

Natural England strongly supports the desire to incorporate multi-functional green and blue and blue infrastructure. We are pleased to see that your authority has incorporated Natural England's guidance on the delivery of green infrastructure.

Policy SNE1 Nature Conservation

4.1 The protection and improvement of Sandwell's biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the borough for residents and visitors. At the same time, this approach will also enhance the physical and natural sustainability of communities within the conurbation in the face of climate change. Doing so will directly contribute to delivering Strategic Objective 11, which is also associated with supporting the physical and mental wellbeing of residents.

Policy SNE1 – Nature Conservation

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We are pleased to see reference to Local Nature Recovery Strategies (LNRS). Natural England is already working with your authority on an LNRS for the West Midlands and look forward to continuing to do so. We are also pleased to see the amount of work you have undertaken with regard to Biodiversity Net Gain including potential sites for habitat creation.

Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Natural England is pleased to see this policy incorporated into your plan. We welcome the element of habitat creation and the recognition that trees can have to climate change mitigation and air quality issues.

Policy SNE4 – Geodiversity and the Black Country UNESCO Global Geopark

Natural England is pleased to that your authority has recognised the importance of geodiversity and the Black Country's important role in it

Policy SHW3 Air Quality

Natural England supports elements of this policy, especially with regard to the integration of walking, cycling and public transport provision and the provision and protection of green and open space and additional tree cover.

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments: None

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Natural England (Mr Grady McLean, Lead Adviser - Planning) [83]

Date received: 12/11/2024 via Email

Summary:

Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Full text:

We are pleased that the Plan includes the natural environment in its long-term vision and objectives for the plan area. These are based on local characteristics and circumstances and include locally specific goals for nature recovery and enhancement, supported by policies and proposals in the plan.

We consider that as an overall strategy to guide development and allocate land the Plan should:

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Spatial Strategy

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- geodiversity and the Black Country UNESCO Global Geopark
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- green belt

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Policy SHW3 Air Quality

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Policy SHW4 – Open Space and Recreation

Natural England strongly supports this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: None

Document Element: I Introduction

Respondent: Natural England (Ms Gillian Driver, Senior Adviser) [335]

Date received: 11/11/2024 via Email

Summary:

Further to our response to the Regulation 19 consultation on Sandwell Local Plan dated the 11 November 2024 we provide the following addendum to clarify our position.

Natural England advises that we consider the Local Plan to be legally compliant and sound.

Habitats Regulations Assessment of the Sandwell Local Plan Regulation 19 September 2024

Cannock Chase Recreational impacts

Cannock Chase Special Area of Conservation (SAC) is being impacted by recreation. Current evidence from visitor survey data has established a 15km Zone of Influence (ZOI) for significant impacts on the SAC from recreation. Sandwell Council is 17km from Cannock Chase SAC and outside the 15km ZOI. Therefore we can advise that increases in housing and holiday accommodation within the Sandwell plan area are unlikely to impact on the SAC and that we agree with the conclusion in the HRA that likely significant effects from recreational on Cannock Chase SAC can be ruled out.

Air Quality

Natural England agree with the conclusion that adverse effects on site integrity can now be ruled out for air quality, but we advise the HRA is updated to reflect the reasons for concluding no adverse effect on site integrity as discussed in recent meetings with the wider air quality working group. This avoids the need for Natural England to rebut some of the reasoning in the current HRA.

Natural England has been working with Sandwell Council and other members of the Cannock Chase SAC Partnership on air quality and are currently in the process of finalising and signing a Statement of Common Ground.

Full text:

Further to our response to the Regulation 19 consultation on Sandwell Local Plan dated the 11 November 2024 we provide the following addendum to clarify our position.

Natural England advises that we consider the Local Plan to be legally compliant and sound.

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Natural England has been working with Sandwell Council and other members of the Cannock Chase SAC Partnership on air quality and are currently in the process of finalising and signing a Statement of Common Ground.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Attachments:

Natural England - Sandwell Local Plan Reg 19 Response (Addendum) - GDPR Redacted - <https://sandwell.oc2.uk/a/gx>

Document Element: Policy SCCI – Energy Infrastructure

Respondent: NHS Property Services (Ellen Moore, Associate Town Planner) [237]

Date received: 06/11/2024 via Email

Summary:

Draft Policy SCCI sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

NHSPS considers Draft Policy SCCI sound as currently drafted.

Full text:

Draft Policy SCCI sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

NHSPS considers Draft Policy SCCI sound as currently drafted.

Draft Policy SHWI sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS considers Policy SHWI sound as currently drafted.

Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amendments made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

Part 3 of Draft Policy SHW2 states that proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and / or services as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents. Part 5 sets out that in the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and / or related services.

NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

Comments on the Infrastructure Delivery Plan (Part 1 Nov 2023 and Part 2 Aug 2024) (as part of the Evidence Base)

The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section 3.4, Part 2, 2024).

To ensure that any mitigation options secured align with NHS requirements we suggest the following process (set out in red text below) for determining the appropriate form of contribution for the provision of healthcare infrastructure associated with new development is included in the IDP:

The requirement for a contribution towards healthcare infrastructure from new development will be determined by working with the ICB and other key stakeholders as appropriate, in accordance with the following process:

- ◆ Assessing the level and type of demand generated by the proposal.
- ◆ Working with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- ◆ Identifying appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- ◆ Identifying the appropriate form of developer contributions.

Comments on the Local Plan Viability Assessment (Sep 2023, with addendum Nov 2024) (as part of the Evidence Base)

The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units. Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Whilst NHSPS considers Draft Policy SHO4 to be sound as currently drafted, as part of preparing additional guidance to inform detailed delivery of this policy, we suggest the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- ◆ Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- ◆ Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).
- ◆ Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

Draft Policy SID1 Part 1 states that all new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.

Part 2 states that unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding

Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.

NHSPS welcomes the wording of Draft Policy SID1 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID1 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

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The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section

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To ensure that any mitigation options secured align with NHS requirements we suggest the following process (set out in red text below) for determining the appropriate form of contribution for the provision of healthcare infrastructure associated with new development is included in the IDP:

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The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units.

Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHWI– Health Impact Assessments

Respondent: NHS Property Services (Ellen Moore, Associate Town Planner) [237]

Date received: 06/11/2024 via Email

Summary:

Draft Policy SHWI sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS considers Policy SHWI sound as currently drafted.

Full text:

Draft Policy SCC1 sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

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- ◆ Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
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Part 2 states that unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.

NHSPS welcomes the wording of Draft Policy SID1 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID1 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

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Change suggested by respondent:

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Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHW2 – Healthcare Infrastructure

Respondent: NHS Property Services (Ellen Moore, Associate Town Planner) [237]

Date received: 06/11/2024 via Email

Summary:

Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amendments made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

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NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

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The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units. Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Full text:

Draft Policy SCC1 sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of

becoming the world's first net zero healthcare provider.

NHSPS considers Draft Policy SCCI sound as currently drafted.

Draft Policy SHWI sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS considers Policy SHWI sound as currently drafted.

Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amendments made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

Part 3 of Draft Policy SHW2 states that proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and / or services as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents. Part 5 sets out that in the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and / or related services.

NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

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The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section 3.4, Part 2, 2024).

To ensure that any mitigation options secured align with NHS requirements we suggest the following process (set out in red text below) for determining the appropriate form of contribution for the provision of healthcare infrastructure associated with new development is included in the IDP:

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Whilst NHSPS considers Draft Policy SHO4 to be sound as currently drafted, as part of preparing additional guidance to inform detailed

delivery of this policy, we suggest the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- ◆ Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- ◆ Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).
- ◆ Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

Draft Policy SID I Part 1 states that all new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.

Part 2 states that unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.

NHSPS welcomes the wording of Draft Policy SID I and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID I to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

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The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units.

Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the

assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO4 - Affordable Housing

Respondent: NHS Property Services (Ellen Moore, Associate Town Planner) [237]

Date received: 06/11/2024 via Email

Summary:

Whilst NHSPS considers Draft Policy SHO4 to be sound as currently drafted, as part of preparing additional guidance to inform detailed delivery of this policy, we suggest the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- ◆ Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- ◆ Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).
- ◆ Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

Full text:

Draft Policy SCC1 sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

NHSPS considers Draft Policy SCC1 sound as currently drafted.

Draft Policy SHW1 sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS considers Policy SHW1 sound as currently drafted.

Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amendments made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

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NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

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include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

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NHSPS welcomes the wording of Draft Policy SID1 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID1 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

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Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SID1 – Infrastructure Provision and Viability Assessments

Respondent: NHS Property Services (Ellen Moore, Associate Town Planner) [237]

Date received: 06/11/2024 via Email

Summary:

Draft Policy SID1 Part 1 states that all new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.

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Full text:

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NHSPS considers Draft Policy SCCI sound as currently drafted.

Draft Policy SHWI sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

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Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amendments made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

Part 3 of Draft Policy SHW2 states that proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and / or services as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents. Part 5 sets out that in the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and / or related services.

NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

Comments on the Infrastructure Delivery Plan (Part 1 Nov 2023 and Part 2 Aug 2024) (as part of the Evidence Base)

The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section 3.4, Part 2, 2024).

To ensure that any mitigation options secured align with NHS requirements we suggest the following process (set out in red text below) for determining the appropriate form of contribution for the provision of healthcare infrastructure associated with new development is included in the IDP:

The requirement for a contribution towards healthcare infrastructure from new development will be determined by working with the ICB and other key stakeholders as appropriate, in accordance with the following process:

- ◆ Assessing the level and type of demand generated by the proposal.
- ◆ Working with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- ◆ Identifying appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- ◆ Identifying the appropriate form of developer contributions.

Comments on the Local Plan Viability Assessment (Sep 2023, with addendum Nov 2024) (as part of the Evidence Base)

The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units. Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Whilst NHSPS considers Draft Policy SHO4 to be sound as currently drafted, as part of preparing additional guidance to inform detailed delivery of this policy, we suggest the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce.

Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- ◆ Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- ◆ Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).
- ◆ Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

Draft Policy SID1 Part 1 states that all new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.

Part 2 states that unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.

NHSPS welcomes the wording of Draft Policy SID1 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID1 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

Comments on the Infrastructure Delivery Plan (Part 1 Nov 2023 and Part 2 Aug 2024) (as part of the Evidence Base)

The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section 3.4, Part 2, 2024).

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- ◆ Identifying appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- ◆ Identifying the appropriate form of developer contributions.

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The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units.

Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately

weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDMI – Design Quality

Respondent: Oldbury (Smethwick) Limited [238]

Agent: Planning Prospects Ltd (Mr Chris Dodds, Associate Director) [163]

Date received: 11/11/2024 via Email

Summary:

It is welcome that Draft Policy SDMI (Design Quality) part 1) requires developments to address its listed criteria “where appropriate” and has some flexibility in this regard.

Similarly, Part 2 of the draft Policy requires development proposals to demonstrate that its listed Guidance has been considered and “where appropriate” used to inform design and access statements that reflect their Sandwell-specific context, and also has some flexibility in this regard.

However, at part 3) the policy requires (all) major developments should contribute to the greening of Sandwell by delivering against its listed criteria.

Part 3) of the Policy has a prescriptive approach and as such lacks the flexibility needed (and provided in the first two parts of the Policy), and is likely to impact upon deliverability of development – particularly allocated brownfield sites which are subject to other policy requirements and masterplan aspirations which, if also inflexibly applied, will continue to stifle the development anticipated from them. The Policy also needs to recognise that development must be viable in order to deliver any of its requirements.

As such, the Part 3) of the Policy must be amended to provide sufficient flexibility to ensure that development is viable, and ultimately deliverable, whilst delivering its requirements “where appropriate”, including where viable. In this regard, Part 3) should reflect Parts 1) and 2) of the Policy.

This more flexible approach is also provided in draft Policy SH04 (which says “Developments of ten homes or more should, where financially viable, provide a range of tenures...” for example, which makes it clear, and is explicit, that affordable housing provision is required but only “where financially viable”.

Full text:

It is welcome that Draft Policy SDMI (Design Quality) part 1) requires developments to address its listed criteria “where appropriate” and has some flexibility in this regard.

Similarly, Part 2 of the draft Policy requires development proposals to demonstrate that its listed Guidance has been considered and “where appropriate” used to inform design and access statements that reflect their Sandwell-specific context, and also has some flexibility in this regard.

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Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: Oldbury (Smethwick) Limited [238]

Agent: Planning Prospects Ltd (Mr Chris Dodds, Associate Director) [163]

Date received: 11/11/2024 via Email

Summary:

Policy SHO1 (Delivering Sustainable Housing Growth) sets out that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041 (or 614 dwellings per annum) and includes 6,243 homes from “Housing Allocations” that the Plan considers can be delivered over the Plan period. A further 1,814 homes are anticipated from “commitment” sites including those under construction, those with planning permission or prior approval and “other commitments” as set out in the 2024 SHLAA. A further 2,100 home (or 20% of the minimum requirement) are from windfall sites (i.e. sites that are not yet known) with an additional 172 from “additional floorspace” within the West Bromwich town centre, other Town Centres and District and Local Centres, and an additional 105 homes identified from “supply in Wednesbury Masterplan” (subject to lapse discounts as set out in the Policy).

The Policy refers to Appendix B of the draft Plan which sets out details of Sandwell’s proposed allocation sites and first lists each of the Housing Allocations.

Appendix B includes Allocation SH55 “Cape Arm / Cranford Street” which is shown as a 2.13 ha brownfield site with a potential yield of 170 homes at a net development density of 80 dwellings per hectare (dph) over an indicative net developable area of 2.13 ha. Appendix B sets out that the Anticipated Delivery Timescale (completion year) for this allocated site is 2029-2032 (i.e. entirely within the emerging Plan period).

Our client, Oldbury (Smethwick) Ltd, a subsidiary of Pall Mall Investments, are the owners of approximately 1.78 ha of land within Allocation SH55. They have put forward a residential development proposal for this land and have sought the Council’s pre-application advice to inform their latest proposals for up to 90 homes (under reference PA/22/00618).

Our client remains supportive of the continued allocation of this site for residential development within the draft Sandwell Local Plan, in principle – noting that this latest allocation follows its allocation for residential use in the adopted Sandwell Site Allocations Document (2012) and subsequent draft allocation in the now defunct Black Country Plan. It is also identified for residential development in the Grove Lane Masterplan prepared by Sandwell and Birmingham Council’s and adopted in February 2022. In short, the site has long been identified, and allocated, for residential use within Sandwell’s Development Plan and Supplementary Planning Documents. However, delivery of this site has been held up until the neighbouring Midland Metropolitan Hospital is complete (where part of the site has formed the neighbouring Hospital’s construction compound for example).

As such, the representations made here, and to other draft policies of the emerging Sandwell Local Plan, make some initial observations and suggested amendments to the draft policies to ensure they optimize the market attractiveness, viability and deliverability of development for our client’s site in particular. Our comments seek to ensure that the emerging policies are flexible enough to ensure that the anticipated, and allocated, residential regeneration of our client’s land can be achieved.

Whilst our client welcomes the continued residential allocation of the site under SH55, as it will enable them to bring forward residential development of the site when the current temporary use (facilitating the construction of the Midland Metropolitan Hospital) ceases, they have several comments / observations on the draft site allocation as follows:

- The gross site area is shown to be 2.13 ha of brownfield land. Our client assumes that this includes both our client’s land, which at 1.78ha forms the significant majority (84%) of the allocation, and the small parcel of land that originally formed part of the site but that is now in the control of the NHS trust by virtue of Compulsory Purchase Order (CPO) to facilitate the construction of the neighbouring Midland Metropolitan Hospital. The draft Local Plan Proposals Map also suggests that a small parcel of land on the southern side of the Cape Arm is also included within this allocation.

The table provided at Appendix B suggests the indicative development capacity is 170 homes and indicates a development density of 80 dph across a net developable site area of 2.13 ha. By way of background, the former BCP draft allocation indicated a development density of 38dph at this site, equating to an indicative capacity of 70 dwellings (over the former site area of 1.85ha). Our client highlighted that this was at the lower end of the range of development densities that could be achieved at this site, and indicated that its own masterplan / site layout work had indicated an achievable site capacity (at that time) of 80 to 90 homes at a density of approximately 43 to 50 dph.

On this basis, our client has submitted (in 2022) an indicative proposal for up to 90 dwellings (or around 50 dph) as part of an ongoing pre-application submission to the Council, demonstrating that this level and nature of development represented a viable proposal (at that time) and one that would have been most attractive to the market. As such, this level of development was considered by my client to have been deliverable here.

The latest draft allocation, at a density of 80 dph, is significantly higher (60% higher) than the density considered deliverable by our client. It is also significantly higher than the other residential allocations immediately surrounding SH55 and forming part of the wider Grove Lane masterplan area within the wider Smethwick Regeneration Area, at SH54 which has a development density of 40dph and SH58 which has a development density of 56dph – for example; similar to the density put forward by our client at SH55.

Moreover, draft allocation SH55 (within Appendix B of the draft Local Plan) suggests the developable area for SH55 is the same 2.13 ha as the total site area of 2.13 ha – suggesting either that the Council is anticipating development to cover the entire site (i.e. with no Green Infrastructure provision etc.) or that the net density calculation has been erroneously undertaken across the entire site and not reflective of a deliverable net developable area.

Ultimately, the approach taken is at odds with other policies within the draft Plan such as SDM1 (Design Quality) which requires major development proposals to contribute towards the urban greening of Sandwell as a “fundamental element of site and building design” and “incorporating measures such as high-quality landscaping and tree planting, other soft landscaping...” (for example) and SH03 (Housing Density, Type and Accessibility) which takes an alternative approach to development density (for example). For the avoidance of doubt, we have submitted representations to each of these draft policies on behalf of our client also – highlighting that they require greater flexibility to ensure that development is ultimately

viable (and deliverable).

As such, the draft allocation must be clear that the density and capacity figures are “indicative” but they should nonetheless be amended to reflect more realistically a proposal that is deliverable to avoid delivery from this allocated site being stifled by an onerous and undeliverable density and capacity requirement.

- Leading on from the point above, the draft allocation’s requirement for proposals, where adjacent to the canal to pay “full regard” to the Grove Lane Masterplan (and Smethwick Regeneration Area generally) must be recognised in the context that those documents were prepared in the context of the Black Country Joint Core Strategy (JCS) which formed the strategic Development Plan Document when the Masterplan (and Regeneration Area) were progressed, and which has ultimately failed to deliver the homes needed in Sandwell, and the wider Black Country, to date.

Sandwell’s latest published 5 year housing land supply position indicates that the Council can demonstrate just 1.86 years’ worth of housing land (as of April 2022) and in turn indicates a chronic failure to deliver sufficient homes needed to meet the Council’s identified housing need in the 5 year period.

The draft Sandwell Local Plan’s housing trajectory indicates that there will continue to be a chronic cumulative under supply of homes up to 2031/32 (albeit this assumes some substantial annual delivery of over 1,000 dpa in 2030/31 and over 1,200 dpa in 2031/2032 for example – which would appear unrealistic given delivery has averaged 687dpa in the current Plan period to date, i.e. 2011 to 2022 (as shown in Table 9 of the Council’s latest AMR)), and this is compounded by the Council’s continued heavy reliance on windfall sites (with Policy SH01 showing that 20% of the Council’s anticipated housing supply over the emerging Plan period will come from sites that are not yet known). Relying so heavily on windfall sites reflects the Council’s continued failure to allocate a sufficient number of deliverable sites and its continued over-reliance on unrealistic delivery at undeliverable densities from its allocated brownfield sites. It also highlights the conflict created from high density aspirations with onerous, unviable and ultimately undeliverable policy aspirations for design, sustainability and Green Infrastructure provision (for example).

As such, our client requests that a more realistic, and deliverable, development density is indicated for Allocation SH55, more reflective of the development that it has put forward through its pre-application submission to the Council.

Full text:

Policy SH01 (Delivering Sustainable Housing Growth) sets out that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041 (or 614 dwellings per annum) and includes 6,243 homes from “Housing Allocations” that the Plan considers can be delivered over the Plan period. A further 1,814 homes are anticipated from “commitment” sites including those under construction, those with planning permission or prior approval and “other commitments” as set out in the 2024 SHLAA. A further 2,100 home (or 20% of the minimum requirement) are from windfall sites (i.e. sites that are not yet known) with an additional 172 from “additional floorspace” within the West Bromwich town centre, other Town Centres and District and Local Centres, and an additional 105 homes identified from “supply in Wednesbury Masterplan” (subject to lapse discounts as set out in the Policy).

The Policy refers to Appendix B of the draft Plan which sets out details of Sandwell’s proposed allocation sites and first lists each of the Housing Allocations.

Appendix B includes Allocation SH55 “Cape Arm / Cranford Street” which is shown as a 2.13 ha brownfield site with a potential yield of 170 homes at a net development density of 80 dwellings per hectare (dph) over an indicative net developable area of 2.13 ha. Appendix B sets out that the Anticipated Delivery Timescale (completion year) for this allocated site is 2029-2032 (i.e. entirely within the emerging Plan period).

Our client, Oldbury (Smethwick) Ltd, a subsidiary of Pall Mall Investments, are the owners of approximately 1.78 ha of land within Allocation SH55. They have put forward a residential development proposal for this land and have sought the Council’s pre-application advice to inform their latest proposals for up to 90 homes (under reference PA/22/00618).

Our client remains supportive of the continued allocation of this site for residential development within the draft Sandwell Local Plan, in principle – noting that this latest allocation follows its allocation for residential use in the adopted Sandwell Site Allocations Document (2012) and subsequent draft allocation in the now defunct Black Country Plan. It is also identified for residential development in the Grove Lane Masterplan prepared by Sandwell and Birmingham Council’s and adopted in February 2022. In short, the site has long been identified, and allocated, for residential use within Sandwell’s Development Plan and Supplementary Planning Documents. However, delivery of this site has been held up until the neighbouring Midland Metropolitan Hospital is complete (where part of the site has formed the neighbouring Hospital’s construction compound for example).

As such, the representations made here, and to other draft policies of the emerging Sandwell Local Plan, make some initial observations and suggested amendments to the draft policies to ensure they optimize the market attractiveness, viability and deliverability of development for our client’s site in particular. Our comments seek to ensure that the emerging policies are flexible enough to ensure that the anticipated, and allocated, residential regeneration of our client’s land can be achieved.

Whilst our client welcomes the continued residential allocation of the site under SH55, as it will enable them to bring forward residential development of the site when the current temporary use (facilitating the construction of the Midland Metropolitan Hospital) ceases, they have several comments / observations on the draft site allocation as follows:

- The gross site area is shown to be 2.13 ha of brownfield land. Our client assumes that this includes both our client’s land, which at 1.78ha forms the significant majority (84%) of the allocation, and the small parcel of land that originally formed part of the site but that is now in the control of the NHS trust by virtue of Compulsory Purchase Order (CPO) to facilitate the construction of the neighbouring Midland Metropolitan Hospital. The draft Local Plan Proposals Map also suggests that a small parcel of land on the southern side of the Cape Arm is also included within this allocation.

The table provided at Appendix B suggests the indicative development capacity is 170 homes and indicates a development density of 80 dph across a net developable site area of 2.13 ha. By way of background, the former BCP draft allocation indicated a development density of 38dph at this site, equating to an indicative capacity of 70 dwellings (over the former site area of 1.85ha). Our client highlighted that this was at the lower end of the range of development densities that could be achieved at this site, and indicated that its own masterplan / site layout work had indicated an achievable site capacity (at that time) of 80 to 90 homes at a density of approximately 43 to 50 dph.

On this basis, our client has submitted (in 2022) an indicative proposal for up to 90 dwellings (or around 50 dph) as part of an ongoing pre-

application submission to the Council, demonstrating that this level and nature of development represented a viable proposal (at that time) and one that would have been most attractive to the market. As such, this level of development was considered by my client to have been deliverable here.

The latest draft allocation, at a density of 80 dph, is significantly higher (60% higher) than the density considered deliverable by our client. It is also significantly higher than the other residential allocations immediately surrounding SH55 and forming part of the wider Grove Lane masterplan area within the wider Smethwick Regeneration Area, at SH54 which has a development density of 40dph and SH58 which has a development density of 56dph – for example; similar to the density put forward by our client at SH55.

Moreover, draft allocation SH55 (within Appendix B of the draft Local Plan) suggests the developable area for SH55 is the same 2.13 ha as the total site area of 2.13 ha – suggesting either that the Council is anticipating development to cover the entire site (i.e. with no Green Infrastructure provision etc.) or that the net density calculation has been erroneously undertaken across the entire site and not reflective of a deliverable net developable area.

Ultimately, the approach taken is at odds with other policies within the draft Plan such as SDMI (Design Quality) which requires major development proposals to contribute towards the urban greening of Sandwell as a “fundamental element of site and building design” and “incorporating measures such as high-quality landscaping and tree planting, other soft landscaping...” (for example) and SH03 (Housing Density, Type and Accessibility) which takes an alternative approach to development density (for example). For the avoidance of doubt, we have submitted representations to each of these draft policies on behalf of our client also – highlighting that they require greater flexibility to ensure that development is ultimately viable (and deliverable).

As such, the draft allocation must be clear that the density and capacity figures are “indicative” but they should nonetheless be amended to reflect more realistically a proposal that is deliverable to avoid delivery from this allocated site being stifled by an onerous and undeliverable density and capacity requirement.

- Leading on from the point above, the draft allocation’s requirement for proposals, where adjacent to the canal to pay “full regard” to the Grove Lane Masterplan (and Smethwick Regeneration Area generally) must be recognised in the context that those documents were prepared in the context of the Black Country Joint Core Strategy (JCS) which formed the strategic Development Plan Document when the Masterplan (and Regeneration Area) were progressed, and which has ultimately failed to deliver the homes needed in Sandwell, and the wider Black Country, to date.

Sandwell’s latest published 5 year housing land supply position indicates that the Council can demonstrate just 1.86 years’ worth of housing land (as of April 2022) and in turn indicates a chronic failure to deliver sufficient homes needed to meet the Council’s identified housing need in the 5 year period.

The draft Sandwell Local Plan’s housing trajectory indicates that there will continue to be a chronic cumulative under supply of homes up to 2031/32 (albeit this assumes some substantial annual delivery of over 1,000 dpa in 2030/31 and over 1,200 dpa in 2031/2032 for example – which would appear unrealistic given delivery has averaged 687dpa in the current Plan period to date, i.e. 2011 to 2022 (as shown in Table 9 of the Council’s latest AMR)), and this is compounded by the Council’s continued heavy reliance on windfall sites (with Policy SH01 showing that 20% of the Council’s anticipated housing supply over the emerging Plan period will come from sites that are not yet known). Relying so heavily on windfall sites reflects

the Council’s continued failure to allocate a sufficient number of deliverable sites and its continued over-reliance on unrealistic delivery at undeliverable densities from its allocated brownfield sites. It also highlights the conflict created from high density aspirations with onerous, unviable and ultimately undeliverable policy aspirations for design, sustainability and Green Infrastructure provision (for example).

As such, our client requests that a more realistic, and deliverable, development density is indicated for Allocation SH55, more reflective of the development that it has put forward through its pre-application submission to the Council.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Oldbury (Smethwick) Limited [238]

Agent: Planning Prospects Ltd (Mr Chris Dodds, Associate Director) [163]

Date received: 11/11/2024 via Email

Summary:

Draft Policy SH03 (Housing Density, Type and Accessibility) requires all developments of 10 or more homes to achieve the minimum net densities set out (depending on locational sustainability) "except where this could prejudice historic character and local distinctiveness as defined in Policy SHE2".

However, any housing density targets should be expressed as an indicative target, rather than a minimum requirement, to prevent the Policy being overly prescriptive and to give flexibility to ensure that development is ultimately viable and deliverable.

It is also not clear whether the minimum density requirements apply to the gross site area or the net developable area. As such, draft Policy SH03 should be amended to ensure that the densities required are indicative (only) and apply to the net land areas to ensure that the targets are achievable.

This required clarity is particularly important for the housing allocation sites where some of the allocation sites have a net density calculated on the net developable area but others, like SH55 for example, have a net density calculated across the whole site area and do not reflect or consider the net developable area. Applying a density across the whole site is not deliverable and consistency is needed.

However, the ability for any site to achieve any minimum density requirement will depend upon a range of site-specific factors, such as site constraints, delivery against other policy requirements (like draft Policy SMD1's requirements to deliver sustainable design and technology and urban greening / green infrastructure for example) as well as each specific proposal's ability to deliver a suitable mix needed to achieve the required density, factoring in market demand and need for example, as well as viability – which is fundamental if any homes are to be delivered at all.

It is strongly considered that the onerous minimum housing density required is one factor why there has been poor delivery from often long-allocated housing sites during the Black Country Core Strategy period to date, for example.

Clearly the density requirement will need to balance other policy and density mix requirements, as well as both market demand and need, as well as site-specific constraints – and not just whether meeting the net density requirements would prejudice historic character and local distinctiveness (as referenced within the Policy).

As such, draft Policy SHO3 must be updated to ensure that there is flexibility and should express the required densities as 'targets' rather than 'minimum' requirements. It should also add clarity around whether the more flexible targets should be applied to the gross site area or the net developable area.

Full text:

Draft Policy SH03 (Housing Density, Type and Accessibility) requires all developments of 10 or more homes to achieve the minimum net densities set out (depending on locational sustainability) "except where this could prejudice historic character and local distinctiveness as defined in Policy SHE2".

However, any housing density targets should be expressed as an indicative target, rather than a minimum requirement, to prevent the Policy being overly prescriptive and to give flexibility to ensure that development is ultimately viable and deliverable.

It is also not clear whether the minimum density requirements apply to the gross site area or the net developable area. As such, draft Policy SH03 should be amended to ensure that the densities required are indicative (only) and apply to the net land areas to ensure that the targets are achievable.

This required clarity is particularly important for the housing allocation sites where some of the allocation sites have a net density calculated on the net developable area but others, like SH55 for example, have a net density calculated across the whole site area and do not reflect or consider the net developable area. Applying a density across the whole site is not deliverable and consistency is needed.

However, the ability for any site to achieve any minimum density requirement will depend upon a range of site-specific factors, such as site constraints, delivery against other policy requirements (like draft Policy SMD1's requirements to deliver sustainable design and technology and urban greening / green infrastructure for example) as well as each specific proposal's ability to deliver a suitable mix needed to achieve the required density, factoring in market demand and need for example, as well as viability – which is fundamental if any homes are to be delivered at all.

It is strongly considered that the onerous minimum housing density required is one factor why there has been poor delivery from often long-allocated housing sites during the Black Country Core Strategy period to date, for example.

Clearly the density requirement will need to balance other policy and density mix requirements, as well as both market demand and need, as well as site-specific constraints – and not just whether meeting the net density requirements would prejudice historic character and local distinctiveness (as referenced within the Policy).

As such, draft Policy SHO3 must be updated to ensure that there is flexibility and should express the required densities as 'targets' rather than 'minimum' requirements. It should also add clarity around whether the more flexible targets should be applied to the gross site area or the net developable area.

Change suggested by respondent:



Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1329

Comment

Document Element: Justification

Respondent: Miss Manisha Patel [302]

Date received: 01/11/2024 via Web

Summary:

Due to the overcrowding wouldn't it be better to build houses where there is more space such as green belt areas/country side instead of forcing people to live on top of one another. If we could spread out a bit more, people would have more space, reduce traffic, reduce burdens on services, increase jobs.

We could then turn those brownfield sites into green spaces - re-wild urban areas and make them more 'green'. I think there are other more sustainable and more efficient ways of increasing housing than continuing building on already built areas like Sandwell.

Full text:

Due to the overcrowding wouldn't it be better to build houses where there is more space such as green belt areas/country side instead of forcing people to live on top of one another. If we could spread out a bit more, people would have more space, reduce traffic, reduce burdens on services, increase jobs.

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

1330

Support

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Miss Manisha Patel [302]

Date received: 01/11/2024 via Web

Summary:

I support this. It would be great if more green trails could be created around Sandwell and the wider West Midlands. As mentioned there are green spaces in Sandwell but they are not joined up, access is hard without a car. It would be great if we had green, clean, safe, urban walking routes linking parks, heritage sites and canal routes around Sandwell. It would encourage more people to get out walking, to discover Sandwell, to discover the benefits of walking and not rely on your car to find green spaces to explore.

Full text:

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Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: No
Appear exam: Not specified
Attachments: None

1448

Support

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Mrs Peta Sams [191]

Date received: 10/11/2024 via Web

Summary:

Please amend para 11 from "All major development proposals" to "All developments including extensions". The policy is good but could be excellent by removing the restriction of "major". NPPG 2019 Natural Environment para 023 shows the value of swift bricks to developments in general, not specifically to 'major' developments which is of course open to interpretation. As swift bricks are not part of BNG there is a need for a clear policy for all developments.

Full text:

Please amend para 11 from "All major development proposals" to "All developments including extensions". The policy is good but could be excellent by removing the restriction of "major". NPPG 2019 Natural Environment para 023 shows the value of swift bricks to developments in general, not specifically to 'major' developments which is of course open to interpretation. As swift bricks are not part of BNG there is a need for a clear policy for all developments.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Mukarram Sattar [222]

Agent: Mr Ifti Maniar [268]

Date received: 11/11/2024 via Email

Summary:

We fully support the emerging Policy SDS 1 which sets out the overarching strategy for Sandwell. The land the subject of this representation is currently underutilised 'previously developed land' within the existing well-established built-up area and should be allocated for housing development.

Full text:

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

In our view the proposed allocation of the site under Site Reference SH63 in Appendix B of the Local Plan meets the soundness tests in paragraph 35 of the National Planning Policy Framework (NPPF) as it is previously developed land and therefore accords with Government policy 'to make as much use as possible of previously developed land,' (paragraph 123) and therefore its allocation meets the 'soundness tests' of being consistent with national policy (NPPF para 35 d)) and also 'justified' (NPPF para 35 b)) as the allocation is 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.' However, given the sites location in a highly sustainable location which meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03, it is considered that the site should be allocated for high density development, instead of the medium density of 41 dph currently identified for site SH63. The current medium density allocation is not consistent with the advice in paragraph 129 of the NPPF that:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

The identified medium density in this highly sustainable location and given the constraints of identifying further land for housing in this constrained urban location means that the density component of Site Allocation SH63 is not consistent with the NPPF guidance in paragraph 129 above and is therefore not consistent with either national policy or justified and therefore fails the soundness tests in paragraph 35 of the NPPF. Further justification is set out in the attached cover letter, dated 5th November 2024.

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

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scheme would provide acceptable living standards).’

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Comments on the emerging Sandwell Local Plan (2024-2021) Publication Version

Previously Developed Land

Planning policy at national and local level encourages re-use or intensification in the use of underused, vacant or previously developed land and buildings where there will be an appropriate increase in the efficient use of the site, particularly in areas with an excellent access to public transport or the road network such as the site the subject of this representation. The current National Planning Policy Framework (NPPF, December 2023), sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 123 of the NPPF encourages the effective use of land by reusing land that has been previously-developed or ‘brownfield’ land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. Paragraph 124 (c) advises that planning policies and decisions should give substantial weight (our emphasis) to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The emerging Draft Policy SDS1 (Spatial Strategy for Sandwell) provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period to 2041. Among many other criteria, this policy seeks to ensure this growth is sustainable by requiring as much new development as possible on previously developed land and sites in the urban area.

The site has an area of approximately 0.58 hectares and comprises of a number of commercial buildings, including a petrol station, car repair and services, a hand car wash, hardstanding area and two-storey dwellings. One of the dwellings is separated from the rest of the site by a track used to access the properties on Payton Close and Brades Road. The commercial buildings on the site fall within sui generis use class, with the residential dwellings falling within Use Class C3. The site is currently unattractive, containing a large number of parked cars as shown on the google maps aerial image below and therefore detracts from the character of the local area and its redevelopment would enable significant environmental enhancement.

A review of the adopted Sandwell Site Allocations and Delivery Development Plan Document (SAD) and Policies Map (adopted December 2012) shows that the site is neither located within a conservation area nor identified as a statutory Listed Building having any special architectural or historic merits, either nationally or locally. In fact, the site is not assigned any particular designations on the adopted Local Plan Policies Map. The site also has no designations relating to landscape or biodiversity value. The site is located in Flood Zone 1 where there is a low risk of flooding.

We fully support the emerging Policy SDS 1 which sets out the overarching strategy for Sandwell. The land the subject of this representation is currently underutilised ‘previously developed land’ within the existing well-established built-up area and should be allocated for housing development.

Housing Needs & Density

The emerging Policy SHO1 (Delivering Sustainable Housing Growth) states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 - 2041. 97% of the supply is on brownfield land such as the land the subject of this representation and 3% is on undeveloped sites. We fully support the policies aspiration for the majority of new homes to be built on the available brownfield land such as the site subject of this representation.

Since July 2024, the new Government has given more emphasis to building more housing with the aim being to boost economic growth and address the shortfall in housing provision. The Government plans to increase housing targets to 300,000+ homes a year. This means the Council needs even more housing in the near future to achieve their targets.

The land the subject of this representation has been submitted through the ‘Call for Sites’ process. The Site Assessment found that “the site is suitable for residential use at moderate density 40-50dph, and its comprehensive redevelopment could improve the appearance of the area. The developable area of the site could accommodate a minimum of approximately 24 dwellings (40dph minimum).”

The emerging draft Policy SHO3 (Housing Density, Type and Accessibility) advises that the density and type of new housing provided on any housing site should be informed by the need for a range of types and sizes of accommodation to meet identified local needs; the level of accessibility by sustainable transport to residential services, including any improvements to be secured through development, and the need to achieve high-quality design, to mitigate and adapt to climate change, and minimise amenity impacts, considering the characteristics and mix of uses in the area where the proposal is located. This policy also advises that any development that fails to make efficient use of land will be refused (our emphasis) in accordance with the requirements of this policy.

The site is within a highly sustainable area with Oldbury Town Centre located 650 metres southeast of the site which is a 8-minute walk away, where a wide range of shops and services can be found. Albion Street bus stop is located approximately 60 metres southeast of the site, from which frequent services can be accessed to Dudley Centre, Birmingham City Centre, and the areas in between. Sandwell and Dudley Railway Station is located approximately 0.8 miles east of the site, which is a 17-minute walk away, and this provides frequent services to surrounding towns and cities, as well as other stations within Birmingham.

The site is also adjoined on its north-west, south-west and south-east boundaries by residential uses, and there are commercial uses within the immediate area including a takeaway, a pub, a car wash and a tyre sales shop. The Brades Road employment site is only 200 metres from the site. The Oldbury Health Centre is 1 km away. The Luxmy Foodstore is located 200 metres from the site. Sainsbury supermarket is located approximately 650 metres from the site. The Brades Primary School is approximately 700 metres way, with the Ormiston Sandwell Community Academy a similar distance away. The Meadows School which caters for children with disabilities is only 400 metres away. Therefore, the future occupiers of the dwellings would not need to travel a long distance for their day-to-day requirements (i.e. milk, bread etc), which can be easily accessed by foot, cycle or using public transport.

Notwithstanding the existing site's sustainability above, there are a number of sites allocated for development in the Regulation 19 Sandwell Local Plan that are in close proximity to the site to the north-west (highlighted orange on the above emerging policies map extract). These partly fall within the Dudley Port and Tipton Regeneration area and have been identified as suitable for residential development. Allocated less than 100m south-east of the site is a mix of Local and Strategic Employment Sites (highlighted blue and purple on the above emerging policies map extract). Development of these sites would significantly improve the site's sustainability. It will bring more shops, services and facilities closer to the site. It will improve accessibility to employment areas and public transport. Furthermore, paragraph 9.249 of the emerging Local Plan identifies that there are bus priority measures proposed from Dudley Road, through the junction of Oldbury Ringway / Freeth Street, which is approximately 500 metres from the site. Altogether, this means that the site is considered, in public transport terms, an excellent accessibility being on a key route and therefore sustainable location suited to residential use.

The site therefore is located in a highly sustainable location and meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03. Whilst the NPPF does not change the statutory status of the development plan as the starting point in decision making, the NPPF constitutes an important material consideration in determining applications. The new government issued a statement opening a consultation on proposed changes to the NPPF. Although the NPPF is still in draft form (consultation closed on Tuesday, 24 September 2024), it is unlikely that it would significantly change in the final version, as this is a key government policy initiative. The NPPF constitutes the Government's view of what sustainable development means in practice for the planning system.

The Government's objective in publishing the revised NPPF was to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the new NPPF is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.

The latest SHLAA (April 2022) and the Urban Capacity Appraisal (November 2023) outlines that there is a potential uplift in housing capacity which could be achieved through adoption of higher densities. This has been explored through the Sandwell Local Plan, with Policy SHO3 of the Local Plan setting out the minimum density standards as 100 dwellings per hectare where accessibility standards for very high-density housing are met and the site is located within West Bromwich; 45 dwellings per hectare where accessibility standards for high density housing are met, and 40 dwellings per hectare where accessibility standards for moderate density housing are met.

There will be variation across Sandwell, but this acknowledges the density optimising approach that is set out in national policy which seeks to maximise the use of land.

The proposed redevelopment of this site presents an opportunity to address both housing demand and urban planning objectives while maximising the site's full potential. Given the existing challenges—such as the need for demolition, site clearance, and remediation of any land contamination—it is prudent to consider these factors in the project's budget and timeline. However, these upfront costs could be offset by developing a high-density residential complex, which aligns with both the location's characteristics and the needs of the local housing market.

The site's layout, especially with the significant land level difference, naturally lends itself to flatted development. This approach not only makes efficient use of the available space but also provides the potential for a substantial number of smaller residential units (1-2 bedrooms), which are ideal for professionals and young couples who may prioritise proximity to work and access to public transport. Including some larger units (3 bedrooms) would also help attract a diverse range of residents, including families who are looking for urban living with convenient access to amenities and transportation.

The emphasis on public transport, walking, and cycling infrastructure further supports the sustainability of this redevelopment plan. The area's existing pedestrian and cycle networks will be advantageous in creating a walkable, connected community, aligning well with current urban planning trends that prioritise environmental impact reduction, and meet the Council's climate change policy goals.

In summary, a high-density, mixed-unit flatted development is not only financially viable but also strategically aligned with emerging local policies, such as draft Policy SHO3. The development's potential to attract professionals, young couples, and families seeking sustainable and transit-oriented living should make this a valuable addition to the local housing market, contributing positively to the area's long-term urban growth objectives.

For these reasons, we recommend that the site be allocated for a mixed-use flatted development in the emerging new Local Plan (2041). Based on the Council's analysis of housing densities, the redevelopment could accommodate approximately 50–80 flats above commercial units on the ground floor. These figures are indicative only. From our experience, it is conceivable that a sensitively designed, high-density, and financially viable scheme could be developed as part of a comprehensive site redevelopment, potentially encouraging and rejuvenating the surrounding area.

It is anticipated that this site could make a significant contribution toward meeting Sandwell's housing needs while enhancing the character and appearance of the area. As noted, factors such as housing types, sizes, internal layouts, and site conditions will ultimately determine the achievable number of homes. The final development potential will be subject to detailed planning and design considerations.

Conclusions

The land subject of this representation should continue to be allocated for housing development as identified in Appendix B Site Allocation SH63, as this would contribute towards the achievement of these sustainable development objectives as it is previously developed land; has the highest levels of sustainable transport access to residential services; would regenerate an existing housing and employment area and help deliver a cleaner, more energy efficient development; would significantly improve the environment; is located on the Sedgley to Birmingham key route network where the Council is seeking to improve sustainable modes of transport; would deliver much needed new housing, whilst also protecting and enhancing the quality of this area of Dudley Road. It therefore meets the soundness tests set out in paragraph 35 of the NPPF as it is both consistent with national policy and is justified as it is an appropriate strategy.

Delivering as much new development as possible on previously developed land will continue to be a key part of Sandwell's spatial strategy and we fully support the emerging new Policies SDS 1 and SHO1. Those components of the Development Strategy identified in the draft Local Plan which could help to increase the supply of land for housing in Sandwell, include amongst other things, mixed land uses and increasing housing densities. In this respect, the site represents an opportunity to satisfy both of these aspirations within the emerging Local Plan.

The use of brownfield land is a priority for both local and national government and has been a key part of Sandwell's development strategy for many years. The site represents available and developable previously developed site in a highly accessible and connected location, identified for sustainable growth over the plan period to 2041.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: Economic, Social and Environment. The allocation of this site would deliver substantial social, economic and environmental benefits and therefore represents highly sustainable development. Given the site's accessibility, excellent connectivity and the number of residential properties in the near vicinity, the site is suitable, available and appropriate for high density flatted development. We therefore consider the identification of Site SH63 for medium density development of 41 dwellings per hectare to not make the most effective use of the site and therefore unsound and inconsistent with the advice in paragraph 129 of the NPPF. The site should therefore be identified for a high density development of over 100+ dwellings per hectare.

On land ownership point of view, our clients control the land the subject of this representation, which is considered suitable, available, achievable and appropriate for high density flatted development. The site would assist meeting an immediate need for providing local housing as well as meeting the district wide need. Given that the site has no statutory restrictive designations, allocating this land would make effective use of previously developed land. It provides for a sustainable approach to the planning of the settlement. The allocation of this site achieves all three sustainable dimensions as mentioned above.

There are no restrictive covenants or other obstructions to development and the development would be able to proceed within 0-5-year framework given the immediate availability of the subject site. The site represents a significant development opportunity to deliver a mixed-use development in a sustainable location that is suitable and available for delivery in the short-medium term. The redevelopment of the site would significantly enhance the character and appearance of the area.

The subject site should be continued as an allocated site for residential led mixed use development in the next stage in the plan-making process.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: Mukarram Sattar [222]

Agent: Mr Ifti Maniar [268]

Date received: 11/11/2024 via Email

Summary:

The emerging Policy SHO1 (Delivering Sustainable Housing Growth) states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 - 2041. 97% of the supply is on brownfield land such as the land the subject of this representation land and 3% is on undeveloped sites. We fully support the policies aspiration for the majority of new homes to be built on the available brownfield land such as the site subject of this representation.

Full text:

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

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or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’

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Comments on the emerging Sandwell Local Plan (2024-2021) Publication Version

Previously Developed Land

Planning policy at national and local level encourages re-use or intensification in the use of underused, vacant or previously developed land and buildings where there will be an appropriate increase in the efficient use of the site, particularly in areas with an excellent access to public transport or the road network such as the site the subject of this representation. The current National Planning Policy Framework (NPPF, December 2023), sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 123 of the NPPF encourages the effective use of land by reusing land that has been previously-developed or ‘brownfield’ land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. Paragraph 124 (c) advises that planning policies and decisions should give substantial weight (our emphasis) to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The emerging Draft Policy SDS I (Spatial Strategy for Sandwell) provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period to 2041. Among many other criteria, this policy seeks to ensure this growth is sustainable by requiring as much new development as possible on previously developed land and sites in the urban area.

The site has an area of approximately 0.58 hectares and comprises of a number of commercial buildings, including a petrol station, car repair and services, a hand car wash, hardstanding area and two-storey dwellings. One of the dwellings is separated from the rest of the site by a track used to access the properties on Payton Close and Brades Road. The commercial buildings on the site fall within sui generis use class, with the residential dwellings falling within Use Class C3. The site is currently unattractive, containing a large number of parked cars as shown on the google maps aerial image below and therefore detracts from the character of the local area and its redevelopment would enable significant environmental enhancement.

A review of the adopted Sandwell Site Allocations and Delivery Development Plan Document (SAD) and Policies Map (adopted December 2012) shows that the site is neither located within a conservation area nor identified as a statutory Listed Building having any special architectural or historic merits, either nationally or locally. In fact, the site is not assigned any particular designations on the adopted Local Plan Policies Map. The site also has no designations relating to landscape or biodiversity value. The site is located in Flood Zone 1 where there is a low risk of flooding.

We fully support the emerging Policy SDS I which sets out the overarching strategy for Sandwell. The land the subject of this representation is currently underutilised ‘previously developed land’ within the existing well-established built-up area and should be allocated for housing development.

Housing Needs & Density

The emerging Policy SHO I (Delivering Sustainable Housing Growth) states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 - 2041. 97% of the supply is on brownfield land such as the land the subject of this representation land and 3% is on undeveloped sites. We fully support the policies aspiration for the majority of new homes to be built on the available brownfield land such as the site subject of this representation.

Since July 2024, the new Government has given more emphasis to building more housing with the aim being to boost economic growth and address the shortfall in housing provision. The Government plans to increase housing targets to 300,000+ homes a year. This means the Council needs even more housing in the near future to achieve their targets.

The land the subject of this representation has been submitted through the ‘Call for Sites’ process. The Site Assessment found that “the site is suitable for residential use at moderate density 40-50dph, and its comprehensive redevelopment could improve the appearance of the area. The developable area of the site could accommodate a minimum of approximately 24 dwellings (40dph minimum).”

The emerging draft Policy SHO3 (Housing Density, Type and Accessibility) advises that the density and type of new housing provided on any housing site should be informed by the need for a range of types and sizes of accommodation to meet identified local needs; the level of accessibility by sustainable transport to residential services, including any improvements to be secured through development, and the need to achieve high-quality design, to mitigate and adapt to climate change, and minimise amenity impacts, considering the characteristics and mix of uses in the area where the proposal is located. This policy also advises that any development that fails to make efficient use of land will be refused (our emphasis) in accordance with the requirements of this policy.

The site is within a highly sustainable area with Oldbury Town Centre located 650 metres southeast of the site which is a 8-minute walk away, where a wide range of shops and services can be found. Albion Street bus stop is located approximately 60 metres southeast of the site, from which frequent services can be accessed to Dudley Centre, Birmingham City Centre, and the areas in between. Sandwell and Dudley Railway Station is located approximately 0.8 miles east of the site, which is a 17-minute walk away, and this provides frequent services to surrounding towns and cities, as well as other stations within Birmingham.

The site is also adjoined on its north-west, south-west and south-east boundaries by residential uses, and there are commercial uses within the immediate area including a takeaway, a pub, a car wash and a tyre sales shop. The Brades Road employment site is only 200 metres from the site. The Oldbury Health Centre is 1 km away. The Luxmy Foodstore is located 200 metres from the site. Sainsbury supermarket is located approximately 650 metres from the site. The Brades Primary School is approximately 700 metres way, with the Ormiston Sandwell Community Academy a similar distance away. The Meadows School which caters for children with disabilities is only 400 metres away. Therefore, the future occupiers of the dwellings would not need to travel a long distance for their day-to-day requirements (i.e. milk, bread etc), which can be easily accessed by foot, cycle or using public transport.

Notwithstanding the existing site's sustainability above, there are a number of sites allocated for development in the Regulation 19 Sandwell Local Plan that are in close proximity to the site to the north-west (highlighted orange on the above emerging policies map extract). These partly fall within the Dudley Port and Tipton Regeneration area and have been identified as suitable for residential development. Allocated less than 100m south-east of the site is a mix of Local and Strategic Employment Sites (highlighted blue and purple on the above emerging policies map extract). Development of these sites would significantly improve the site's sustainability. It will bring more shops, services and facilities closer to the site. It will improve accessibility to employment areas and public transport. Furthermore, paragraph 9.249 of the emerging Local Plan identifies that there are bus priority measures proposed from Dudley Road, through the junction of Oldbury Ringway / Freeth Street, which is approximately 500 metres from the site. Altogether, this means that the site is considered, in public transport terms, an excellent accessibility being on a key route and therefore sustainable location suited to residential use.

The site therefore is located in a highly sustainable location and meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03. Whilst the NPPF does not change the statutory status of the development plan as the starting point in decision making, the NPPF constitutes an important material consideration in determining applications. The new government issued a statement opening a consultation on proposed changes to the NPPF. Although the NPPF is still in draft form (consultation closed on Tuesday, 24 September 2024), it is unlikely that it would significantly change in the final version, as this is a key government policy initiative. The NPPF constitutes the Government's view of what sustainable development means in practice for the planning system.

The Government's objective in publishing the revised NPPF was to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the new NPPF is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.

The latest SHLAA (April 2022) and the Urban Capacity Appraisal (November 2023) outlines that there is a potential uplift in housing capacity which could be achieved through adoption of higher densities. This has been explored through the Sandwell Local Plan, with Policy SHO3 of the Local Plan setting out the minimum density standards as 100 dwellings per hectare where accessibility standards for very high-density housing are met and the site is located within West Bromwich; 45 dwellings per hectare where accessibility standards for high density housing are met, and 40 dwellings per hectare where accessibility standards for moderate density housing are met.

There will be variation across Sandwell, but this acknowledges the density optimising approach that is set out in national policy which seeks to maximise the use of land.

The proposed redevelopment of this site presents an opportunity to address both housing demand and urban planning objectives while maximising the site's full potential. Given the existing challenges—such as the need for demolition, site clearance, and remediation of any land contamination—it is prudent to consider these factors in the project's budget and timeline. However, these upfront costs could be offset by developing a high-density residential complex, which aligns with both the location's characteristics and the needs of the local housing market.

The site's layout, especially with the significant land level difference, naturally lends itself to flatted development. This approach not only makes efficient use of the available space but also provides the potential for a substantial number of smaller residential units (1-2 bedrooms), which are ideal for professionals and young couples who may prioritise proximity to work and access to public transport. Including some larger units (3 bedrooms) would also help attract a diverse range of residents, including families who are looking for urban living with convenient access to amenities and transportation.

The emphasis on public transport, walking, and cycling infrastructure further supports the sustainability of this redevelopment plan. The area's existing pedestrian and cycle networks will be advantageous in creating a walkable, connected community, aligning well with current urban planning trends that prioritise environmental impact reduction, and meet the Council's climate change policy goals.

In summary, a high-density, mixed-unit flatted development is not only financially viable but also strategically aligned with emerging local policies, such as draft Policy SHO3. The development's potential to attract professionals, young couples, and families seeking sustainable and transit-oriented living should make this a valuable addition to the local housing market, contributing positively to the area's long-term urban growth objectives.

For these reasons, we recommend that the site be allocated for a mixed-use flatted development in the emerging new Local Plan (2041). Based on the Council's analysis of housing densities, the redevelopment could accommodate approximately 50–80 flats above commercial units on the ground floor. These figures are indicative only. From our experience, it is conceivable that a sensitively designed, high-density, and financially viable scheme could be developed as part of a comprehensive site redevelopment, potentially encouraging and rejuvenating the surrounding area.

It is anticipated that this site could make a significant contribution toward meeting Sandwell's housing needs while enhancing the character and appearance of the area. As noted, factors such as housing types, sizes, internal layouts, and site conditions will ultimately determine the achievable number of homes. The final development potential will be subject to detailed planning and design considerations.

Conclusions

The land subject of this representation should continue to be allocated for housing development as identified in Appendix B Site Allocation SH63, as this would contribute towards the achievement of these sustainable development objectives as it is previously developed land; has the highest levels of sustainable transport access to residential services; would regenerate an existing housing and employment area and help deliver a cleaner, more energy efficient development; would significantly improve the environment; is located on the Sedgley to Birmingham key route network where the Council is seeking to improve sustainable modes of transport; would deliver much needed new housing, whilst also protecting and enhancing the quality of this area of Dudley Road. It therefore meets the soundness tests set out in paragraph 35 of the NPPF as it is both consistent with national policy and is justified as it is an appropriate strategy.

Delivering as much new development as possible on previously developed land will continue to be a key part of Sandwell's spatial strategy and we fully support the emerging new Policies SDS 1 and SHO1. Those components of the Development Strategy identified in the draft Local Plan which could help to increase the supply of land for housing in Sandwell, include amongst other things, mixed land uses and increasing housing densities. In this respect, the site represents an opportunity to satisfy both of these aspirations within the emerging Local Plan.

The use of brownfield land is a priority for both local and national government and has been a key part of Sandwell's development strategy for many years. The site represents available and developable previously developed site in a highly accessible and connected location, identified for sustainable growth over the plan period to 2041.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: Economic, Social and Environment. The allocation of this site would deliver substantial social, economic and environmental benefits and therefore represents highly sustainable development. Given the site's accessibility, excellent connectivity and the number of residential properties in the near vicinity, the site is suitable, available and appropriate for high density flatted development. We therefore consider the identification of Site SH63 for medium density development of 41 dwellings per hectare to not make the most effective use of the site and therefore unsound and inconsistent with the advice in paragraph 129 of the NPPF. The site should therefore be identified for a high density development of over 100+ dwellings per hectare.

On land ownership point of view, our clients control the land the subject of this representation, which is considered suitable, available, achievable and appropriate for high density flatted development. The site would assist meeting an immediate need for providing local housing as well as meeting the district wide need. Given that the site has no statutory restrictive designations, allocating this land would make effective use of previously developed land. It provides for a sustainable approach to the planning of the settlement. The allocation of this site achieves all three sustainable dimensions as mentioned above.

There are no restrictive covenants or other obstructions to development and the development would be able to proceed within 0-5-year framework given the immediate availability of the subject site. The site represents a significant development opportunity to deliver a mixed-use development in a sustainable location that is suitable and available for delivery in the short-medium term. The redevelopment of the site would significantly enhance the character and appearance of the area.

The subject site should be continued as an allocated site for residential led mixed use development in the next stage in the plan-making process.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Mukarram Sattar [222]

Agent: Mr Ifti Maniar [268]

Date received: 11/11/2024 via Email

Summary:

In summary, a high-density, mixed-unit flatted development is not only financially viable but also strategically aligned with emerging local policies, such as draft Policy SHO3. The development's potential to attract professionals, young couples, and families seeking sustainable and transit-oriented living should make this a valuable addition to the local housing market, contributing positively to the area's long-term urban growth objectives.

For these reasons, we recommend that the site be allocated for a mixed-use flatted development in the emerging new Local Plan (2041). Based on the Council's analysis of housing densities, the redevelopment could accommodate approximately 50–80 flats above commercial units on the ground floor. These figures are indicative only. From our experience, it is conceivable that a sensitively designed, high-density, and financially viable scheme could be developed as part of a comprehensive site redevelopment, potentially encouraging and rejuvenating the surrounding area.

Full text:

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

In our view the proposed allocation of the site under Site Reference SH63 in Appendix B of the Local Plan meets the soundness tests in paragraph 35 of the National Planning Policy Framework (NPPF) as it is previously developed land and therefore accords with Government policy 'to make as much use as possible of previously developed land,' (paragraph 123) and therefore its allocation meets the 'soundness tests' of being consistent with national policy (NPPF para 35 d)) and also 'justified' (NPPF para 35 b)) as the allocation is 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.' However, given the sites location in a highly sustainable location which meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03, it is considered that the site should be allocated for high density development, instead of the medium density of 41 dph currently identified for site SH63. The current medium density allocation is not consistent with the advice in paragraph 129 of the NPPF that:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

The identified medium density in this highly sustainable location and given the constraints of identifying further land for housing in this constrained urban location means that the density component of Site Allocation SH63 is not consistent with the NPPF guidance in paragraph 129 above and is therefore not consistent with either national policy or justified and therefore fails the soundness tests in paragraph 35 of the NNPF. Further justification is set out in the attached cover letter, dated 5th November 2024.

Following the representations made in November 2023 in response to Regulation 18 Draft Local Plan, we are pleased to see the land subject of this representation has been considered suitable, available and appropriate for residential development. This representation relates to the land and buildings at 192-200 Dudley Road, Oldbury referred to as 'The site, which is identified for development in Appendix B under Site reference SH63'. We fully support the draft allocation for the redevelopment of the land the subject of this representation for residential purposes, and our comments on the emerging policies are set out below.

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The identified medium density in this highly sustainable location and given the constraints of identifying further land for housing in this constrained urban location means that the density component of Site Allocation SH63 is not consistent with the NPPF guidance in paragraph 129 above and is therefore not consistent with either national policy or justified and therefore fails the soundness tests in paragraph 35 of the NNPF. Further justification is set out in the text below and on the accompanying representation forms.

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Previously Developed Land

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The site has an area of approximately 0.58 hectares and comprises of a number of commercial buildings, including a petrol station, car repair and services, a hand car wash, hardstanding area and two-storey dwellings. One of the dwellings is separated from the rest of the site by a track used to access the properties on Payton Close and Brades Road. The commercial buildings on the site fall within sui generis use class, with the residential dwellings falling within Use Class C3. The site is currently unattractive, containing a large number of parked cars as shown on the google maps aerial image below and therefore detracts from the character of the local area and its redevelopment would enable significant environmental enhancement.

A review of the adopted Sandwell Site Allocations and Delivery Development Plan Document (SAD) and Policies Map (adopted December 2012) shows that the site is neither located within a conservation area nor identified as a statutory Listed Building having any special architectural or historic merits, either nationally or locally. In fact, the site is not assigned any particular designations on the adopted Local Plan Policies Map. The site also has no designations relating to landscape or biodiversity value. The site is located in Flood Zone 1 where there is a low risk of flooding.

We fully support the emerging Policy SDS I which sets out the overarching strategy for Sandwell. The land the subject of this representation is currently underutilised 'previously developed land' within the existing well-established built-up area and should be allocated for housing development.

Housing Needs & Density

The emerging Policy SHO1 (Delivering Sustainable Housing Growth) states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 - 2041. 97% of the supply is on brownfield land such as the land the subject of this representation land and 3% is on undeveloped sites. We fully support the policies aspiration for the majority of new homes to be built on the available brownfield land such as the site subject of this representation.

Since July 2024, the new Government has given more emphasis to building more housing with the aim being to boost economic growth and address the shortfall in housing provision. The Government plans to increase housing targets to 300,000+ homes a year. This means the Council needs even more housing in the near future to achieve their targets.

The land the subject of this representation has been submitted through the 'Call for Sites' process. The Site Assessment found that "the site is suitable for residential use at moderate density 40-50dph, and its comprehensive redevelopment could improve the appearance of the area. The developable area of the site could accommodate a minimum of approximately 24 dwellings (40dph minimum)."

The emerging draft Policy SHO3 (Housing Density, Type and Accessibility) advises that the density and type of new housing provided on any housing site should be informed by the need for a range of types and sizes of accommodation to meet identified local needs; the level of accessibility by sustainable transport to residential services, including any improvements to be secured through development, and the need to achieve high-quality design, to mitigate and adapt to climate change, and minimise amenity impacts, considering the characteristics and mix of uses in the area where the proposal is located. This policy also advises that any development that fails to make efficient use of land will be refused (our emphasis) in accordance with the requirements of this policy.

The site is within a highly sustainable area with Oldbury Town Centre located 650 metres southeast of the site which is a 8-minute walk away, where a wide range of shops and services can be found. Albion Street bus stop is located approximately 60 metres southeast of the site, from which frequent services can be accessed to Dudley Centre, Birmingham City Centre, and the areas in between. Sandwell and Dudley Railway Station is located approximately 0.8 miles east of the site, which is a 17-minute walk away, and this provides frequent services to surrounding towns and cities, as well as other stations within Birmingham.

The site is also adjoined on its north-west, south-west and south-east boundaries by residential uses, and there are commercial uses within

the immediate area including a takeaway, a pub, a car wash and a tyre sales shop. The Brades Road employment site is only 200 metres from the site. The Oldbury Health Centre is 1 km away. The Luxmy Foodstore is located 200 metres from the site. Sainsbury supermarket is located approximately 650 metres from the site. The Brades Primary School is approximately 700 metres away, with the Ormiston Sandwell Community Academy a similar distance away. The Meadows School which caters for children with disabilities is only 400 metres away. Therefore, the future occupiers of the dwellings would not need to travel a long distance for their day-to-day requirements (i.e. milk, bread etc), which can be easily accessed by foot, cycle or using public transport.

Notwithstanding the existing site's sustainability above, there are a number of sites allocated for development in the Regulation 19 Sandwell Local Plan that are in close proximity to the site to the north-west (highlighted orange on the above emerging policies map extract). These partly fall within the Dudley Port and Tipton Regeneration area and have been identified as suitable for residential development. Allocated less than 100m south-east of the site is a mix of Local and Strategic Employment Sites (highlighted blue and purple on the above emerging policies map extract). Development of these sites would significantly improve the site's sustainability. It will bring more shops, services and facilities closer to the site. It will improve accessibility to employment areas and public transport. Furthermore, paragraph 9.249 of the emerging Local Plan identifies that there are bus priority measures proposed from Dudley Road, through the junction of Oldbury Ringway / Freeth Street, which is approximately 500 metres from the site. Altogether, this means that the site is considered, in public transport terms, an excellent accessibility being on a key route and therefore sustainable location suited to residential use.

The site therefore is located in a highly sustainable location and meets the criteria for very high-density development of 100+ dwellings per hectare as set out in emerging Policy SH03. Whilst the NPPF does not change the statutory status of the development plan as the starting point in decision making, the NPPF constitutes an important material consideration in determining applications. The new government issued a statement opening a consultation on proposed changes to the NPPF. Although the NPPF is still in draft form (consultation closed on Tuesday, 24 September 2024), it is unlikely that it would significantly change in the final version, as this is a key government policy initiative. The NPPF constitutes the Government's view of what sustainable development means in practice for the planning system.

The Government's objective in publishing the revised NPPF was to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the new NPPF is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.

The latest SHLAA (April 2022) and the Urban Capacity Appraisal (November 2023) outlines that there is a potential uplift in housing capacity which could be achieved through adoption of higher densities. This has been explored through the Sandwell Local Plan, with Policy SH03 of the Local Plan setting out the minimum density standards as 100 dwellings per hectare where accessibility standards for very high-density housing are met and the site is located within West Bromwich; 45 dwellings per hectare where accessibility standards for high density housing are met, and 40 dwellings per hectare where accessibility standards for moderate density housing are met.

There will be variation across Sandwell, but this acknowledges the density optimising approach that is set out in national policy which seeks to maximise the use of land.

The proposed redevelopment of this site presents an opportunity to address both housing demand and urban planning objectives while maximising the site's full potential. Given the existing challenges—such as the need for demolition, site clearance, and remediation of any land contamination—it is prudent to consider these factors in the project's budget and timeline. However, these upfront costs could be offset by developing a high-density residential complex, which aligns with both the location's characteristics and the needs of the local housing market.

The site's layout, especially with the significant land level difference, naturally lends itself to flatted development. This approach not only makes efficient use of the available space but also provides the potential for a substantial number of smaller residential units (1-2 bedrooms), which are ideal for professionals and young couples who may prioritise proximity to work and access to public transport. Including some larger units (3 bedrooms) would also help attract a diverse range of residents, including families who are looking for urban living with convenient access to amenities and transportation.

The emphasis on public transport, walking, and cycling infrastructure further supports the sustainability of this redevelopment plan. The area's existing pedestrian and cycle networks will be advantageous in creating a walkable, connected community, aligning well with current urban planning trends that prioritise environmental impact reduction, and meet the Council's climate change policy goals.

In summary, a high-density, mixed-unit flatted development is not only financially viable but also strategically aligned with emerging local policies, such as draft Policy SH03. The development's potential to attract professionals, young couples, and families seeking sustainable and transit-oriented living should make this a valuable addition to the local housing market, contributing positively to the area's long-term urban growth objectives.

For these reasons, we recommend that the site be allocated for a mixed-use flatted development in the emerging new Local Plan (2041). Based on the Council's analysis of housing densities, the redevelopment could accommodate approximately 50–80 flats above commercial units on the ground floor. These figures are indicative only. From our experience, it is conceivable that a sensitively designed, high-density, and financially viable scheme could be developed as part of a comprehensive site redevelopment, potentially encouraging and rejuvenating the surrounding area.

It is anticipated that this site could make a significant contribution toward meeting Sandwell's housing needs while enhancing the character and appearance of the area. As noted, factors such as housing types, sizes, internal layouts, and site conditions will ultimately determine the achievable number of homes. The final development potential will be subject to detailed planning and design considerations.

Conclusions

The land subject of this representation should continue to be allocated for housing development as identified in Appendix B Site Allocation SH63, as this would contribute towards the achievement of these sustainable development objectives as it is previously developed land; has the highest levels of sustainable transport access to residential services; would regenerate an existing housing and employment area and help deliver a cleaner, more energy efficient development; would significantly improve the environment; is located on the Sedgley to Birmingham key route network where the Council is seeking to improve sustainable modes of transport; would deliver much needed new housing, whilst also protecting and enhancing the quality of this area of Dudley Road. It therefore meets the soundness tests set out in paragraph 35 of the NPPF as it is both consistent with national policy and is justified as it is an appropriate strategy.

Delivering as much new development as possible on previously developed land will continue to be a key part of Sandwell's spatial strategy and we fully support the emerging new Policies SDS 1 and SH01. Those components of the Development Strategy identified in the draft Local Plan which could help to increase the supply of land for housing in Sandwell, include amongst other things, mixed land uses and

increasing housing densities. In this respect, the site represents an opportunity to satisfy both of these aspirations within the emerging Local Plan.

The use of brownfield land is a priority for both local and national government and has been a key part of Sandwell's development strategy for many years. The site represents available and developable previously developed site in a highly accessible and connected location, identified for sustainable growth over the plan period to 2041.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: Economic, Social and Environment. The allocation of this site would deliver substantial social, economic and environmental benefits and therefore represents highly sustainable development. Given the site's accessibility, excellent connectivity and the number of residential properties in the near vicinity, the site is suitable, available and appropriate for high density flatted development. We therefore consider the identification of Site SH63 for medium density development of 41 dwellings per hectare to not make the most effective use of the site and therefore unsound and inconsistent with the advice in paragraph 129 of the NPPF. The site should therefore be identified for a high density development of over 100+ dwellings per hectare.

On land ownership point of view, our clients control the land the subject of this representation, which is considered suitable, available, achievable and appropriate for high density flatted development. The site would assist meeting an immediate need for providing local housing as well as meeting the district wide need. Given that the site has no statutory restrictive designations, allocating this land would make effective use of previously developed land. It provides for a sustainable approach to the planning of the settlement. The allocation of this site achieves all three sustainable dimensions as mentioned above.

There are no restrictive covenants or other obstructions to development and the development would be able to proceed within 0-5-year framework given the immediate availability of the subject site. The site represents a significant development opportunity to deliver a mixed-use development in a sustainable location that is suitable and available for delivery in the short-medium term. The redevelopment of the site would significantly enhance the character and appearance of the area.

The subject site should be continued as an allocated site for residential led mixed use development in the next stage in the plan-making process.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Appearance at the examination

Oral exam why: In relation to the allocation of 192-200 Dudley Road, Oldbury

Attachments:

Document Element: Policy SDSI – Spatial Strategy for Sandwell

Respondent: Savills (Miss Andrea Caplan, Associate) [45]

Date received: 11/11/2024 via Web

Summary:

The Edwin Richards Quarry site represents an excellent opportunity to deliver a significant amount of housing development on a brownfield site in Sandwell, within the Plan period and into the subsequent plan period.

Full text:

It is noted that Sandwell Council needs to identify land for 26,350 homes by 2041. However, the supply of suitable residential land identified by Sandwell Council stands at 10,434 homes, leaving an unmet need for 15,916 homes in the Plan period. The draft plan recognises that there is a finite supply of land readily available for development and it is very likely that it would not currently be possible to meet the full extent of Sandwell's housing need within Sandwell itself.

The Edwin Richards Quarry site represents an excellent opportunity to deliver a significant amount of housing development on a brownfield site in Sandwell, within the Plan period and into the subsequent plan period. The western section of the site already benefits from planning permission for 278 dwellings (reserved matters planning permission ref. DC/23/67924).

Since its closure as a quarry in 2008, the Edwin Richards Quarry site has operated as the only non-hazardous landfill site in Sandwell. It now only accepts non-putrescible materials such as soil, excavation and demolition waste. While this is an important waste facility for the area, it is a finite resource. When the infilling of the quarry is completed the remainder of the site will be brought forward to create a sustainably located community, complementing the residential development that will have been delivered in the western section of the site.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18

Appear exam: Not specified

Attachments: None

1372

Object

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Mr GARETH DAVID SMITH [310]

Date received: 05/11/2024 via Web

Summary:

I am writing to raise concerns over policy SHW4 and how it impacts our reservoir site at Harborne Road, which has been allocated as open space in the draft plan. This is a secure, operational site with no public access and should not be designated as open space within the plan. We have plans to invest in this site to ensure provision of water for our customers, and of course the restrictions of this intended policy do appear to conflict with the site and those plans for investment and our ongoing operations.

Full text:

I am writing to raise concerns over policy SHW4 and how it impacts our reservoir site at Harborne Road, which has been allocated as open space in the draft plan. This is a secure, operational site with no public access and should not be designated as open space within the plan. We have plans to invest in this site to ensure provision of water for our customers, and of course the restrictions of this intended policy do appear to conflict with the site and those plans for investment and our ongoing operations.

Change suggested by respondent:

Our site at Harborne Road should not be allocated as open space i.e. this policy should not apply to this site.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: No

Appear exam: Written Representation

Attachments: None

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: South Staffordshire Council (Mr Edward Fox, Startegic Planning Team Manager) [87]

Date received: 01/11/2024 via Email

Summary:

The overspill requirement of 15,916 dwellings identified in the draft plan is a significant contribution to the total Greater Birmingham and Black Country Housing Market Area shortfall. SSC will continue to work closely with Sandwell Metropolitan Borough Council (SMBC) alongside the other relevant partners to address this overspill requirement through the relevant working groups and duty to cooperate arrangements.

SSC has recently completed a consultation on an updated Publication Plan (Regulation 19). It should be noted that SSCs preferred strategy in its April 2024 Regulation 19 consultation is to meet the housing needs of our communities by focus growth primarily on the districts most sustainable Tier 1 settlements including some Green Belt release at these settlements on sites assessed as suitable through our site assessment process. This does result in a potential 640 home surplus based on our current standard method requirement that potentially could be attributed to unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

Whilst we appreciate the land use constraints within which the Sandwell Plan is operating, we would support a commitment to continued attempts at increasing the supply of dwellings identified within the borough. Specifically, attention should focus on examining the scope for increased densities particularly in the larger urban centres, reallocation of sites from other uses were this doesn't conflict The overspill requirement of 15,916 dwellings identified in the draft plan is a significant contribution to the total Greater Birmingham and Black Country Housing Market Area shortfall. SSC will continue to work closely with Sandwell Metropolitan Borough Council (SMBC) alongside the other relevant partners to address this overspill requirement through the relevant working groups and duty to cooperate arrangements.

SSC has recently completed a consultation on an updated Publication Plan (Regulation 19). It should be noted that SSCs preferred strategy in its April 2024 Regulation 19 consultation is to meet the housing needs of our communities by focus growth primarily on the districts most sustainable Tier 1 settlements including some Green Belt release at these settlements on sites assessed as suitable through our site assessment process. This does result in a potential 640 home surplus based on our current standard method requirement that potentially could be attributed to unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

Whilst we appreciate the land use constraints within which the Sandwell Plan is operating, we would support a commitment to continued attempts at increasing the supply of dwellings identified within the borough. Specifically, attention should focus on examining the scope for increased densities particularly in the larger urban centres, reallocation of sites from other uses were this doesn't conflict

Full text:

The comments submitted below were framed in relation to the existing National Planning Policy Framework (NPPF), we have however referred to potential implications of the proposed NPPF changes in a section on the transitional arrangements.

Housing – Policy SHO1

The overspill requirement of 15,916 dwellings identified in the draft plan is a significant contribution to the total Greater Birmingham and Black Country Housing Market Area shortfall. SSC will continue to work closely with Sandwell Metropolitan Borough Council (SMBC) alongside the other relevant partners to address this overspill requirement through the relevant working groups and duty to cooperate arrangements.

SSC has recently completed a consultation on an updated Publication Plan (Regulation 19). It should be noted that SSCs preferred strategy in its April 2024 Regulation 19 consultation is to meet the housing needs of our communities by focus growth primarily on the districts most sustainable Tier 1 settlements including some Green Belt release at these settlements on sites assessed as suitable through our site assessment process. This does result in a potential 640 home surplus based on our current standard method requirement that potentially could be attributed to unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

Whilst we appreciate the land use constraints within which the Sandwell Plan is operating, we would support a commitment to continued attempts at increasing the supply of dwellings identified within the borough. Specifically, attention should focus on examining the scope for increased densities particularly in the larger urban centres, reallocation of sites from other uses were this doesn't conflict with other plan objectives, housing area renewal proposals and exploring the potential release of Green Belt sites. Such contributions will assist in reducing the total overspill requirement to be addressed by neighbouring authorities and therefore contribute to directly addressing the total housing market shortfall.

Gypsies, Travellers and Travelling Showpeople – Policy SH09

SSC published an updated Gypsy and Traveller Accommodation Assessment in 2024 which has identified a need within the district for 162 pitches during the plan period.

SSC wrote to SMBC (and other GBBCHMA and neighbouring authorities) in August 2022, October 2023 and subsequently in March 2024, where we set out that we had only identified a supply of 37 pitches this is set against a revised 5-year requirement of 92 pitches, and therefore confirming we had a significant unmet need for pitches. In the letters we set out the steps we had taken to explore supply options including exploring options in the Green Belt, options on publicly owned land, and options for new pitches as part of proposed housing allocations.

SSC are seeking to ensure that neighbouring and GBBCHMA authorities undertake the same steps that SSC have taken in exploring pitch options so we can have confidence that our Duty to Cooperate partners have taken a consistent approach when considering if they can assist with SSCs unmet needs for pitches. We therefore request that through your plan preparation you continue to explore, and evidence, the following options:

- Intensifying supply on existing sites
- Expanding all suitable existing sites
- Exploring all public land options in the city for new public sites
- Approaching sites proposed for general housing allocation to identify if the landowner would be willing to set aside part of the site for pitch

needs

It is noted that the Gypsy and Traveller Accommodation Assessment (GTAA) 2022 identified a need for an additional 8 permanent pitches in Sandwell over the period up to 2031 with a further six pitches required from 2031-2041. The plan has identified sufficient supply to meet the requirement to 2031 and envisages that small windfall sites will meet the remaining need over the Plan period. It is not clear that in addressing Gypsy and Traveller needs that all the options identified above have been explored to determine if additional capacity could be available. SSC would welcome an indication that all such options have been explored and we look forward to continuing to engage with SMBC on this issue.

Employment – Policy SEC I

SMBC has identified a significant shortfall of 169 hectares in the supply of employment land to meet the needs of the Borough during the plan period. SSC has identified a potential surplus of 45.2 Ha. of employment land, which includes a new proposed allocation at Junction 13 of the M6. This land has been identified as being available to contribute towards addressing the employment land shortfall within South Staffordshire Functional Economic Market Area. Given the close association of Sandwell with the other Black Country authorities this offer has been extended to include SMBC even though the authority lies outside the South Staffordshire FEMA. As stated in our signed Statement of Common Ground (SOCG) with SMBC, the role this surplus land will play in helping to address employment land shortfalls will be the subject of two separate SOCG covering the entire South Staffordshire FEMA and also the Black Country FEMA.

SSC will also allocate the consented strategic rail freight interchange (WMI). Though situated in South Staffordshire the WMI serves a wider market area (including Sandwell). Through our 2022 EDNA & 2024 update SSDC identified a requirement of 18.8 ha of the WMI land to meet our labour demand requirements up to 2041. SSDC has acknowledged that there is surplus employment land at WMI that is currently 'unclaimed' and that could be utilised to meet the unmet needs of the wider market area. Whilst we have taken a more in-depth approach to calculating our share of WMI (18.8ha) through our local evidence, we still consider that the 2021 Stantec report 1, that considered potential apportionment across the sites market areas based upon population change within each LPA area, is a reasonable basis for determining wider authorities' potential share of the site given its wider role and in the absence of sub-regional details of labour demand. The Stantec report apportions 18ha of the site towards the B8 employment land needs of Sandwell, and it is noted that this figure has been identified as a commitment in the Plan towards the employment land supply.

Transitional Arrangements

The proposed changes to the NPPF have recently been the subject of consultation and it is the Government's intention to publish a finalised NPPF by the end of the year. Based on the transitional arrangement contained in the consultation NPPF it is our understanding that the Plan would need to be submitted on or before the publication of the revised NPPF (+ one month) if it is to be assessed against the current December 2023 NPPF. Should the Plan be submitted after NPPF publication date (+ one month) it would appear that the Plan would be considered in relation to the revised framework, as it doesn't appear that any of point a-c in paragraph 226 of the draft NPPF would apply to SMBC. This would require SMBC to re-examine the current plan strategy particularly in light of the proposed introduction of a distinction between Green Belt and Grey Belt land and the role which the latter will play in increasing the supply of land for residential development. Therefore, whilst the plan is currently considered sound against the December 2023 NPPF, should the transitional arrangements in paragraph 226 of the consultation NPPF remain in the final version, and should SMBC be unable to meet any of points a-c in this paragraph, then the Publication Plan would not be sound and would need to be revisited.

SSC do not consider it necessary to take part in the hearing sessions for the examination, however equally would be happy to attend these sessions on request of the inspector.

Change suggested by respondent:

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Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: South Staffordshire Council (Mr Edward Fox, Startegic Planning Team Manager) [87]

Date received: 01/11/2024 via Email

Summary:

SSC published an updated Gypsy and Traveller Accommodation Assessment in 2024 which has identified a need within the district for 162 pitches during the plan period.

SSC wrote to SMBC (and other GBBCHMA and neighbouring authorities) in August 2022, October 2023 and subsequently in March 2024, where we set out that we had only identified a supply of 37 pitches this is set against a revised 5-year requirement of 92 pitches, and therefore confirming we had a significant unmet need for pitches. In the letters we set out the steps we had taken to explore supply options including exploring options in the Green Belt, options on publicly owned land, and options for new pitches as part of proposed housing allocations.

SSC are seeking to ensure that neighbouring and GBBCHMA authorities undertake the same steps that SSC have taken in exploring pitch options so we can have confidence that our Duty to Cooperate partners have taken a consistent approach when considering if they can assist with SSCs unmet needs for pitches. We therefore request that through your plan preparation you continue to explore, and evidence, the following options:

- Intensifying supply on existing sites
- Expanding all suitable existing sites
- Exploring all public land options in the city for new public sites

Approaching sites proposed for general housing allocation to identify if the landowner would be willing to set aside part of the site for pitch needs

It is noted that the Gypsy and Traveller Accommodation Assessment (GTAA) 2022 identified a need for an additional 8 permanent pitches in Sandwell over the period up to 2031 with a further six pitches required from 2031-2041. The plan has identified sufficient supply to meet the requirement to 2031 and envisages that small windfall sites will meet the remaining need over the Plan period. It is not clear that in addressing Gypsy and Traveller needs that all the options identified above have been explored to determine if additional capacity could be available. SSC would welcome an indication that all such options have been explored and we look forward to continuing to engage with SMBC on this issue.

Full text:

The comments submitted below were framed in relation to the existing National Planning Policy Framework (NPPF), we have however referred to potential implications of the proposed NPPF changes in a section on the transitional arrangements.

Housing – Policy SHO1

The overspill requirement of 15,916 dwellings identified in the draft plan is a significant contribution to the total Greater Birmingham and Black Country Housing Market Area shortfall. SSC will continue to work closely with Sandwell Metropolitan Borough Council (SMBC) alongside the other relevant partners to address this overspill requirement through the relevant working groups and duty to cooperate arrangements.

SSC has recently completed a consultation on an updated Publication Plan (Regulation 19). It should be noted that SSCs preferred strategy in its April 2024 Regulation 19 consultation is to meet the housing needs of our communities by focus growth primarily on the districts most sustainable Tier 1 settlements including some Green Belt release at these settlements on sites assessed as suitable through our site assessment process. This does result in a potential 640 home surplus based on our current standard method requirement that potentially could be attributed to unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

Whilst we appreciate the land use constraints within which the Sandwell Plan is operating, we would support a commitment to continued attempts at increasing the supply of dwellings identified within the borough. Specifically, attention should focus on examining the scope for increased densities particularly in the larger urban centres, reallocation of sites from other uses were this doesn't conflict with other plan objectives, housing area renewal proposals and exploring the potential release of Green Belt sites. Such contributions will assist in reducing the total overspill requirement to be addressed by neighbouring authorities and therefore contribute to directly addressing the total housing market shortfall.

Gypsies, Travellers and Travelling Showpeople – Policy SH09

SSC published an updated Gypsy and Traveller Accommodation Assessment in 2024 which has identified a need within the district for 162 pitches during the plan period.

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- Approaching sites proposed for general housing allocation to identify if the landowner would be willing to set aside part of the site for pitch needs

It is noted that the Gypsy and Traveller Accommodation Assessment (GTAA) 2022 identified a need for an additional 8 permanent pitches in Sandwell over the period up to 2031 with a further six pitches required from 2031-2041. The plan has identified sufficient supply to meet the requirement to 2031 and envisages that small windfall sites will meet the remaining need over the Plan period. It is not clear that in addressing Gypsy and Traveller needs that all the options identified above have been explored to determine if additional capacity could be available. SSC would welcome an indication that all such options have been explored and we look forward to continuing to engage with SMBC on this issue.

Employment – Policy SEC1

SMBC has identified a significant shortfall of 169 hectares in the supply of employment land to meet the needs of the Borough during the plan period. SSC has identified a potential surplus of 45.2 Ha. of employment land, which includes a new proposed allocation at Junction 13 of the M6. This land has been identified as being available to contribute towards addressing the employment land shortfall within South Staffordshire Functional Economic Market Area. Given the close association of Sandwell with the other Black Country authorities this offer has been extended to include SMBC even though the authority lies outside the South Staffordshire FEMA. As stated in our signed Statement of Common Ground (SOCG) with SMBC, the role this surplus land will play in helping to address employment land shortfalls will be the subject of two separate SOCG covering the entire South Staffordshire FEMA and also the Black Country FEMA.

SSC will also allocate the consented strategic rail freight interchange (WMI). Though situated in South Staffordshire the WMI serves a wider market area (including Sandwell). Through our 2022 EDNA & 2024 update SSSDC identified a requirement of 18.8 ha of the WMI land to meet our labour demand requirements up to 2041. SSSDC has acknowledged that there is surplus employment land at WMI that is currently 'unclaimed' and that could be utilised to meet the unmet needs of the wider market area. Whilst we have taken a more in-depth approach to calculating our share of WMI (18.8ha) through our local evidence, we still consider that the 2021 Stantec report1, that considered potential apportionment across the sites market areas based upon population change within each LPA area, is a reasonable basis for determining wider authorities' potential share of the site given its wider role and in the absence of sub-regional details of labour demand. The Stantec report apportions 18ha of the site towards the B8 employment land needs of Sandwell, and it is noted that this figure has been identified as a commitment in the Plan towards the employment land supply.

Transitional Arrangements

The proposed changes to the NPPF have recently been the subject of consultation and it is the Government's intention to publish a finalised NPPF by the end of the year. Based on the transitional arrangement contained in the consultation NPPF it is our understanding that the Plan would need to be submitted on or before the publication of the revised NPPF (+ one month) if it is to be assessed against the current December 2023 NPPF. Should the Plan be submitted after NPPF publication date (+ one month) it would appear that the Plan would be considered in relation to the revised framework, as it doesn't appear that any of point a-c in paragraph 226 of the draft NPPF would apply to SMBC. This would require SMBC to re-examine the current plan strategy particularly in light of the proposed introduction of a distinction between Green Belt and Grey Belt land and the role which the latter will play in increasing the supply of land for residential development. Therefore, whilst the plan is currently considered sound against the December 2023 NPPF, should the transitional arrangements in paragraph 226 of the consultation NPPF remain in the final version, and should SMBC be unable to meet any of points a-c in this paragraph, then the Publication Plan would not be sound and would need to be revisited.

SSC do not consider it necessary to take part in the hearing sessions for the examination, however equally would be happy to attend these sessions on request of the inspector.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SEC1 – Providing for Economic Growth and Jobs

Respondent: South Staffordshire Council (Mr Edward Fox, Startegic Planning Team Manager) [87]

Date received: 01/11/2024 via Email

Summary:

SMBC has identified a significant shortfall of 169 hectares in the supply of employment land to meet the needs of the Borough during the plan period. SSC has identified a potential surplus of 45.2 Ha. of employment land, which includes a new proposed allocation at Junction 13 of the M6. This land has been identified as being available to contribute towards addressing the employment land shortfall within South Staffordshire Functional Economic Market Area. Given the close association of Sandwell with the other Black Country authorities this offer has been extended to include SMBC even though the authority lies outside the South Staffordshire FEMA. As stated in our signed Statement of Common Ground (SOCG) with SMBC, the role this surplus land will play in helping to address employment land shortfalls will be the subject of two separate SOCG covering the entire South Staffordshire FEMA and also the Black Country FEMA.

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Full text:

The comments submitted below were framed in relation to the existing National Planning Policy Framework (NPPF), we have however referred to potential implications of the proposed NPPF changes in a section on the transitional arrangements.

Housing – Policy SHO1

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Whilst we appreciate the land use constraints within which the Sandwell Plan is operating, we would support a commitment to continued attempts at increasing the supply of dwellings identified within the borough. Specifically, attention should focus on examining the scope for increased densities particularly in the larger urban centres, reallocation of sites from other uses were this doesn't conflict with other plan objectives, housing area renewal proposals and exploring the potential release of Green Belt sites. Such contributions will assist in reducing the total overspill requirement to be addressed by neighbouring authorities and therefore contribute to directly addressing the total housing market shortfall.

Gypsies, Travellers and Travelling Showpeople – Policy SH09

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SSC are seeking to ensure that neighbouring and GBBCHMA authorities undertake the same steps that SSC have taken in exploring pitch options so we can have confidence that our Duty to Cooperate partners have taken a consistent approach when considering if they can assist with SSCs unmet needs for pitches. We therefore request that through your plan preparation you continue to explore, and evidence, the following options:

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- Approaching sites proposed for general housing allocation to identify if the landowner would be willing to set aside part of the site for pitch needs

It is noted that the Gypsy and Traveller Accommodation Assessment (GTAA) 2022 identified a need for an additional 8 permanent pitches in Sandwell over the period up to 2031 with a further six pitches required from 2031-2041. The plan has identified sufficient supply to meet the requirement to 2031 and envisages that small windfall sites will meet the remaining need over the Plan period. It is not clear that in addressing Gypsy and Traveller needs that all the options identified above have been explored to determine if additional capacity could be available. SSC would welcome an indication that all such options have been explored and we look forward to continuing to engage with SMBC on this issue.

Employment – Policy SEC1

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SSC will also allocate the consented strategic rail freight interchange (WMI). Though situated in South Staffordshire the WMI serves a wider market area (including Sandwell). Through our 2022 EDNA & 2024 update SSDC identified a requirement of 18.8 ha of the WMI land to meet our labour demand requirements up to 2041. SSDC has acknowledged that there is surplus employment land at WMI that is currently 'unclaimed' and that could be utilised to meet the unmet needs of the wider market area. Whilst we have taken a more in-depth approach to calculating our share of WMI (18.8ha) through our local evidence, we still consider that the 2021 Stantec report 1, that considered potential apportionment across the sites market areas based upon population change within each LPA area, is a reasonable basis for determining wider authorities' potential share of the site given its wider role and in the absence of sub-regional details of labour demand. The Stantec report apportions 18ha of the site towards the B8 employment land needs of Sandwell, and it is noted that this figure has been identified as a commitment in the Plan towards the employment land supply.

Transitional Arrangements

The proposed changes to the NPPF have recently been the subject of consultation and it is the Government's intention to publish a finalised NPPF by the end of the year. Based on the transitional arrangement contained in the consultation NPPF it is our understanding that the Plan would need to be submitted on or before the publication of the revised NPPF (+ one month) if it is to be assessed against the current December 2023 NPPF. Should the Plan be submitted after NPPF publication date (+ one month) it would appear that the Plan would be considered in relation to the revised framework, as it doesn't appear that any of point a-c in paragraph 226 of the draft NPPF would apply to SMBC. This would require SMBC to re-examine the current plan strategy particularly in light of the proposed introduction of a distinction between Green Belt and Grey Belt land and the role which the latter will play in increasing the supply of land for residential development. Therefore, whilst the plan is currently considered sound against the December 2023 NPPF, should the transitional arrangements in paragraph 226 of the consultation NPPF remain in the final version, and should SMBC be unable to meet any of points a-c in this paragraph, then the Publication Plan would not be sound and would need to be revisited.

SSC do not consider it necessary to take part in the hearing sessions for the examination, however equally would be happy to attend these sessions on request of the inspector.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: South Staffordshire Water [305]

Agent: Fisher German (Mrs Angela Brooks, Partner) [304]

Date received: 04/11/2024 via Email

Summary:

Policy SDS1 – Spatial Strategy for Sandwell

The aims of Policy SDS1 is broadly supported, however we believe an element of flexibility should be included to ensure that land is not unduly restricted from serving a more useful purpose. As detailed in our response to Policy SEC4 – Other Employment Sites, we have concerns that the Plan may not be adequately flexible in relation to lower quality and constrained employment sites. Part 1b of Policy SDS1 states that “decisions on planning proposals... maintain the ongoing provision of around 1,221 ha of allocated employment land”. This statement is internally inconsistent with Policy SEC4 which acknowledges that much of the designated employment land designated as lower quality Other Employment Sites are constrained and could be better used to deliver another form of development. Policy SDS1 therefore requires amendment in wording to ensure that the release of employment sites designated as Other Employment Sites under Policy SEC4 is not in conflict with Policy SDS1 which provides the overarching strategic principles of development in Sandwell. Our view is this can be achieved with a slight amendment to Part 1b, to state:

Maintain the ongoing provision of around 1,221 ha of allocated employment land, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Without this change, we find that there is an irreconcilable conflict between the statement of SDS1 and the approach to SEC4, thus the Plan is not sound as is not effective. This modification can however be delivered through Main Modifications without undue harm to the overall strategic function on Policy SDS1.

Full text:

These representations are submitted by Fisher German on behalf of South Staffordshire Water in respect of their land interests at Park Lane West, Tipton.

The site benefits from an allocation for 77 dwellings within the extant Sandwell Site Allocations and Delivery DPD (SAD) which was adopted in December 2012, which itself carried over a former Sandwell Unitary Development Plan allocation from 2004.

The site however remains an operational part of South Staffordshire Water’s estate, albeit is located within an area which is itself predominantly residential in nature, with the site itself largely enclosed by existing residential properties to the east, north and west, and south beyond the canal which forms the site’s southern boundary.

The site is well related to existing services and facilities, including schools, community centre, employment, Victoria Park, etc. The site is also well related to existing and developing public transport, with existing bus stops served by the regular 230 service between Sedgley and Dudley and the 42 service to Tipton available adjacent to the site on Park Lane West. The site is also very well related to a proposed stop on the Wednesbury to Brierley Hill Extension of the West Midlands Metro tram service (Sedgley Road stop).

Policy SDS1 – Spatial Strategy for Sandwell

The aims of Policy SDS1 is broadly supported, however we believe an element of flexibility should be included to ensure that land is not unduly restricted from serving a more useful purpose. As detailed in our response to Policy SEC4 – Other Employment Sites, we have concerns that the Plan may not be adequately flexible in relation to lower quality and constrained employment sites. Part 1b of Policy SDS1 states that “decisions on planning proposals... maintain the ongoing provision of around 1,221 ha of allocated employment land”. This statement is internally inconsistent with Policy SEC4 which acknowledges that much of the designated employment land designated as lower quality Other Employment Sites are constrained and could be better used to deliver another form of development. Policy SDS1 therefore requires amendment in wording to ensure that the release of employment sites designated as Other Employment Sites under Policy SEC4 is not in conflict with Policy SDS1 which provides the overarching strategic principles of development in Sandwell. Our view is this can be achieved with a slight amendment to Part 1b, to state:

Maintain the ongoing provision of around 1,221 ha of allocated employment land, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Without this change, we find that there is an irreconcilable conflict between the statement of SDS1 and the approach to SEC4, thus the Plan is not sound as is not effective. This modification can however be delivered through Main Modifications without undue harm to the overall strategic function on Policy SDS1.

Policy SDS3 – Regeneration in Sandwell

Policy SDS3 provides high level guidance in respect of the various proposed regeneration areas in Sandwell. Parts 3-7 of the policy provide high level guidance for each of the designated areas. Part 8 provides general guidance to all areas. The policy puts emphasis on the provision of high quality employment. We have no objection to this aim but would stress that not all areas will be suitable to deliver this, and thus even within designated regeneration areas due regard will need to be had for the specifics of individual sites, including their context. We however support the acknowledgement that regeneration areas can make a positive contribution to residential and employment needs, and that the policy is of a high enough level to allow flexibility in what is delivered.

Policy SEC1 – Providing for Economic Growth and Jobs

Part 1 of Policy SEC1 states “the Sandwell Local Plan will seek to maintain the existing provision of around 1,221 hectares of employment land across the borough”. As per previous comments, this paragraph is in conflict with other policies of the Local Plan which are far more permissive of poor quality employment uses being transferred to non-employment uses. As per our recommended change to policy SDS1, we believe this can be rectified through a relevantly simply main modification to the policy, as per the below.

The Sandwell Local Plan will generally seek to maintain the existing provision of around 1,221 hectares of employment land across the borough, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Policy SEC4 – Other Employment Sites

Policy SEC4 provides a framework for the development of employment areas that are not either Strategic Employment Areas or Local Employment Areas on the policies map but comprise land that is or was last used in employment use. On such sites, employment redevelopment is supported in principle, and housing or other non-ancillary, non-industrial uses are supported subject to criteria. We support the overall aim of the policy, but have concerns in respect of its operation, particularly criteria a-f within Part 2 of the policy (the clause which enables non-commercial uses).

Paragraph 123 of the NPPF states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

Paragraph 124 of the NPPF states planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

Paragraph 126 of the Framework is clear “Planning policies and decisions need to reflect changes in the demand for land”.

Whilst we understand the policies aims, we consider the policy framework submitted to be unreasonably restrictive when having regard for our client’s land interests. Whilst our comments relate solely to our client’s land interests, logically they may be relevant for other land under the same designation, as confirmed by the Council’s evidence (discussed below).

For ease of reference, we provide comments against each criteria in turn. a) if the site is vacant, that it has been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority;

This criterion is considered to be overtly restrictive and not commensurate with criterion b, discussed below. If a site suddenly vacates, then the policy essentially enforces a period of 12 months where the site will sit vacant whilst marketing is undertaken. During this time there could be issues of anti-social behaviour and crime, liability for site upkeep and security, potential harm to structures through neglect and the potential for ecology to become present, causing issues for redevelopment down the line due to protected species establishing on the site or through BNG.

It is also not clear why a vacant site would need to go through a period of enforced marketing, whereas a not-vacant site only needs demonstrate that occupiers have found alternative premises, without any need for a marketing exercise.

Paragraph 8.37 of the reasoned justification confirms that these sites by definition tend to be “less marketable” and often “within residential areas”. Enforcing the marketing of less marketable sites for employment uses within residential areas is clearly not appropriate and importantly not justified, effective or consistent with National Policy (namely the paragraphs provided above).

If a 12-month marketing exercise is to be enforced, there needs to be greater flexibility in the policy to enable this requirement to be absolved if supported by site specific evidence and context. For example, our client’s land interests are so contained by existing residential uses, this would negate much employment uses on the grounds of amenity, or place unreasonable conditions on future employment uses that would make the site simply unattractive to many potential occupiers. For example, restrictions of hours of operating, noise generation, etc.

Whilst our view is a 12-month marketing for sites under this category is not supported, if it is deemed to be acceptable, then the criterion should instead be amended to allow the flexibility as set out

below: a) if the site is vacant, that it has either

- 1) been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority; or
 - 2) evidence has been provided by the landowner to demonstrate why the site is no longer suitable for employment uses, having regard for:
 - a. Improvements in residential amenity, street scene or regeneration
 - b. Market conditions and demands
 - c. Access
 - d. The benefits of an alternative use
- b) if the site is occupied or part-occupied, that successful engagement has been undertaken with the occupiers to secure their relocation;

Again, concern is raised in relation to this policy, not least in that it may stray beyond the remit of planning. Clearly if tenants are in situ, they are protected by the law in respect of their rights with regard to their tenancy agreement, and this would be beyond the realm of planning rules. However, in the scenario where an agreeable rent cannot be agreed for extension for example, it would clearly be inappropriate for the landowner to not be able to actively develop the site for useful uses. Following the logic of the policy, if an occupier was to become insolvent for example, then the policy restricts any ability to advance matters on the site until a relocation that cannot occur occurs, or until the site vacates, by which point there will be a 12 month period of enforced marketing as per criteria a. This approach cannot be consistent with the NPPF which expects useful use of land, particularly available brownfield land, and also understands as per paragraph 126 that planning policies should appreciate the demand for land is constantly fluctuating and thus policies have to be able to be responsive to allow the market to deliver - not be unduly and incommensurately restricted from bringing forward active, useful development on available sites. Whilst there is an appreciation that the Council needs policies in place to ensure a healthy supply of employment land, particularly given localised employment needs in the region, the Council has policies to protect the more important employment sites, and the policy itself by definition accepts that non-employment development on these sites is in principle supportable.

The policy is also unclear on the circumstances relating to part occupation. If part of a site is sublet, then that should preclude the remainder of the site being advanced for other uses, so long as that area is not unduly impacted (in accordance with criteria C).

C) if the site forms part of a larger area occupied or last occupied for employment, that residential or any other use will not be adversely affected by the continuing operation of employment uses in the remainder of the area;

No objection, but as per our comments above the policy must be cognisant of the impacts of existing residential uses on the potential uses of Other Employment Sites and the prospects of their successful redevelopment for employment uses. It cannot be assumed because one employment use has existed successfully alongside residential uses, that this will definitively apply for other employment uses, even in the same Class. For example, our client’s land interests nearest residential are used for open storage, but even another open storage operator

may lead to increased impact on amenity due to intensity and hours of operation, types of vehicles using the site, etc. If residential properties are located close to the site, and this will impact potential employment generating uses on the site, there needs to be avenues to enable better neighbour uses to come forward, without the need for a marketing exercise which itself may be doomed to fail, due to realistic uses of a given site being intrinsically limited by its context and relationship with the neighbouring residential uses. D) the site could be brought forward for housing in a comprehensive manner and would not lead to piecemeal development;

Whilst we have no objection to the presumed aim of this policy, we believe an amendment is required to ensure the policy will be effective and justified. We would argue that the policy could be improved via the inclusion of the word harmful before piecemeal development, to ensure the policy retains flexibility. For example, in a scenario where there is to be a parcel disposal of a site, due to tenancy issues of a phased withdrawal of operations of a current site operator for example, there may be scenarios where part of a site comes available before the rest of the site. We assert, in accordance with the aforementioned paragraphs of the NPPF, that it is sound to enable a phased redevelopment of the site, to expedite the useful delivery of housing or other uses, rather than essentially enforcing a site to sit part vacant for a period of time. Clearly in such a circumstance regard would need to be had for amenity, access, and other related issues, but in principle a site being redeveloped in phases is not inherently harmful and actually likely to be beneficial in the scenario as set out above, due to the expediting of beneficial development. As alluded to in the policy, the provision of a coherent masterplan for the site which could be delivered in phases, and control in respect of matters such as affordable housing triggers and delivery. This could enable what in theory could be considered piecemeal development, to occur in an acceptable way, and there should be scope within the policy to allow applicants and the Council to explore how this could be delivered in a beneficial manner.

E) Residential development would not adversely affect the ongoing operation of existing or proposed employment uses on the site or nearby; and

See comments in respect of Criterion C. Ultimately we fully agree that there needs to be an understanding as to the nature of a site's relationship with its neighbours, whether the neighbours be noise generating or susceptible to noise generation, but the policy needs to be more clear that where a site is intrinsically constrained by sensitive neighbouring uses, this will be used in consideration of a redevelopment proposal without a forced and wasteful marketing exercise. F) the site is suitable for housing or other non-ancillary non-employment uses in accordance with local or national policies relating to these uses.

No comments and agreed.

Park Lane West

Our client's land currently benefits from a residential allocation for 77 dwellings. It is within a predominantly residential area and subject to our client vacating the site, our view is residential or good neighbour employment uses should be acceptable in principle, as the site is within the urban area. Had our client's land simply be identified within the urban area, our client would be free to pursue either, subject to meeting any necessary tests related to either, access, flooding, ecology, etc. There is a demonstrable need for both employment and residential land in the HMA, and our view is on that basis both could reasonably be pursued.

The site is assessed under the Black Country Employment Area Review (BEAR) 2021, which concluded that the site was one of the worst scoring sites in review, scoring a 0 against all assessed criteria. Putting it in the bottom 22 sites of the 680 assessed, compared with an average score of 23.6 and a maximum score of 41. The assessment confirmed only that the site was in current employment use, and this seems to have formed the basis of its designation.

As already set out, the site is within an entirely residential area, benefits from good connectivity, particularly having regard for the Metro extension, meaning it will be highly sustainable. Residential redevelopment of the site would therefore in our view be entirely acceptable and should not be arbitrarily restricted, should the current use no longer be required.

Change suggested by respondent:

Maintain the ongoing provision of around 1,221 ha of allocated employment land, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: South Staffordshire Water [305]

Agent: Fisher German (Mrs Angela Brooks, Partner) [304]

Date received: 04/11/2024 via Email

Summary:

Policy SDS3 – Regeneration in Sandwell

Policy SDS3 provides high level guidance in respect of the various proposed regeneration areas in Sandwell. Parts 3-7 of the policy provide high level guidance for each of the designated areas. Part 8 provides general guidance to all areas. The policy puts emphasis on the provision of high quality employment. We have no objection to this aim but would stress that not all areas will be suitable to deliver this, and thus even within designated regeneration areas due regard will need to be had for the specifics of individual sites, including their context. We however support the acknowledgement that regeneration areas can make a positive contribution to residential and employment needs, and that the policy is of a high enough level to allow flexibility in what is delivered.

Full text:

These representations are submitted by Fisher German on behalf of South Staffordshire Water in respect of their land interests at Park Lane West, Tipton.

The site benefits from an allocation for 77 dwellings within the extant Sandwell Site Allocations and Delivery DPD (SAD) which was adopted in December 2012, which itself carried over a former Sandwell Unitary Development Plan allocation from 2004.

The site however remains an operational part of South Staffordshire Water's estate, albeit is located within an area which is itself predominantly residential in nature, with the site itself largely enclosed by existing residential properties to the east, north and west, and south beyond the canal which forms the site's southern boundary.

The site is well related to existing services and facilities, including schools, community centre, employment, Victoria Park, etc. The site is also well related to existing and developing public transport, with existing bus stops served by the regular 230 service between Sedgley and Dudley and the 42 service to Tipton available adjacent to the site on Park Lane West. The site is also very well related to a proposed stop on the Wednesbury to Brierley Hill Extension of the West Midlands Metro tram service (Sedgley Road stop).

Policy SDS1 – Spatial Strategy for Sandwell

The aims of Policy SDS1 is broadly supported, however we believe an element of flexibility should be included to ensure that land is not unduly restricted from serving a more useful purpose. As detailed in our response to Policy SEC4 – Other Employment Sites, we have concerns that the Plan may not be adequately flexible in relation to lower quality and constrained employment sites. Part 1b of Policy SDS1 states that “decisions on planning proposals... maintain the ongoing provision of around 1,221 ha of allocated employment land”. This statement is internally inconsistent with Policy SEC4 which acknowledges that much of the designated employment land designated as lower quality Other Employment Sites are constrained and could be better used to deliver another form of development. Policy SDS1 therefore requires amendment in wording to ensure that the release of employment sites designated as Other Employment Sites under Policy SEC4 is not in conflict with Policy SDS1 which provides the overarching strategic principles of development in Sandwell. Our view is this can be achieved with a slight amendment to Part 1b, to state:

Maintain the ongoing provision of around 1,221 ha of allocated employment land, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Without this change, we find that there is an irreconcilable conflict between the statement of SDS1 and the approach to SEC4, thus the Plan is not sound as is not effective. This modification can however be delivered through Main Modifications without undue harm to the overall strategic function on Policy SDS1.

Policy SDS3 – Regeneration in Sandwell

Policy SDS3 provides high level guidance in respect of the various proposed regeneration areas in Sandwell. Parts 3-7 of the policy provide high level guidance for each of the designated areas. Part 8 provides general guidance to all areas. The policy puts emphasis on the provision of high quality employment. We have no objection to this aim but would stress that not all areas will be suitable to deliver this, and thus even within designated regeneration areas due regard will need to be had for the specifics of individual sites, including their context. We however support the acknowledgement that regeneration areas can make a positive contribution to residential and employment needs, and that the policy is of a high enough level to allow flexibility in what is delivered.

Policy SEC1 – Providing for Economic Growth and Jobs

Part 1 of Policy SEC1 states “the Sandwell Local Plan will seek to maintain the existing provision of around 1,221 hectares of employment land across the borough”. As per previous comments, this paragraph is in conflict with other policies of the Local Plan which are far more permissive of poor quality employment uses being transferred to non-employment uses. As per our recommended change to policy SDS1, we believe this can be rectified through a relevantly simply main modification to the policy, as per the below.

The Sandwell Local Plan will generally seek to maintain the existing provision of around 1,221 hectares of employment land across the borough, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Policy SEC4 – Other Employment Sites

Policy SEC4 provides a framework for the development of employment areas that are not either Strategic Employment Areas or Local Employment Areas on the policies map but comprise land that is or was last used in employment use. On such sites, employment redevelopment is supported in principle, and housing or other non-ancillary, non-industrial uses are supported subject to criteria. We support the overall aim of the policy, but have concerns in respect of its operation, particularly criteria a-f within Part 2 of the policy (the clause which enables non-commercial uses).

Paragraph 123 of the NPPF states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies

should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".

Paragraph 124 of the NPPF states planning policies should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs" and "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

Paragraph 126 of the Framework is clear "Planning policies and decisions need to reflect changes in the demand for land".

Whilst we understand the policies aims, we consider the policy framework submitted to be unreasonably restrictive when having regard for our client's land interests. Whilst our comments relate solely to our client's land interests, logically they may be relevant for other land under the same designation, as confirmed by the Council's evidence (discussed below).

For ease of reference, we provide comments against each criteria in turn. a) if the site is vacant, that it has been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority;

This criterion is considered to be overtly restrictive and not commensurate with criterion b, discussed below. If a site suddenly vacates, then the policy essentially enforces a period of 12 months where the site will sit vacant whilst marketing is undertaken. During this time there could be issues of anti-social behaviour and crime, liability for site upkeep and security, potential harm to structures through neglect and the potential for ecology to become present, causing issues for redevelopment down the line due to protected species establishing on the site or through BNG.

It is also not clear why a vacant site would need to go through a period of enforced marketing, whereas a not-vacant site only needs demonstrate that occupiers have found alternative premises, without any need for a marketing exercise.

Paragraph 8.37 of the reasoned justification confirms that these sites by definition tend to be "less marketable" and often "within residential areas". Enforcing the marketing of less marketable sites for employment uses within residential areas is clearly not appropriate and importantly not justified, effective or consistent with National Policy (namely the paragraphs provided above).

If a 12-month marketing exercise is to be enforced, there needs to be greater flexibility in the policy to enable this requirement to be absolved if supported by site specific evidence and context. For example, our client's land interests are so contained by existing residential uses, this would negate much employment uses on the grounds of amenity, or place unreasonable conditions on future employment uses that would make the site simply unattractive to many potential occupiers. For example, restrictions of hours of operating, noise generation, etc.

Whilst our view is a 12-month marketing for sites under this category is not supported, if it is deemed to be acceptable, then the criterion should instead be amended to allow the flexibility as set out

below: a) if the site is vacant, that it has either

- 1) been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority; or
 - 2) evidence has been provided by the landowner to demonstrate why the site is no longer suitable for employment uses, having regard for:
 - a. Improvements in residential amenity, street scene or regeneration
 - b. Market conditions and demands
 - c. Access
 - d. The benefits of an alternative use
- b) if the site is occupied or part-occupied, that successful engagement has been undertaken with the occupiers to secure their relocation;

Again, concern is raised in relation to this policy, not least in that it may stray beyond the remit of planning. Clearly if tenants are in situ, they are protected by the law in respect of their rights with regard to their tenancy agreement, and this would be beyond the realm of planning rules. However, in the scenario where an agreeable rent cannot be agreed for extension for example, it would clearly be inappropriate for the landowner to not be able to actively develop the site for useful uses. Following the logic of the policy, if an occupier was to become insolvent for example, then the policy restricts any ability to advance matters on the site until a relocation that cannot occur occurs, or until the site vacates, by which point there will be a 12 month period of enforced marketing as per criteria a. This approach cannot be consistent with the NPPF which expects useful use of land, particularly available brownfield land, and also understands as per paragraph 126 that planning policies should appreciate the demand for land is constantly fluctuating and thus policies have to be able to be responsive to allow the market to deliver - not be unduly and incommensurately restricted from bringing forward active, useful development on available sites. Whilst there is an appreciation that the Council needs policies in place to ensure a healthy supply of employment land, particularly given localised employment needs in the region, the Council has policies to protect the more important employment sites, and the policy itself by definition accepts that non-employment development on these sites is in principle supportable.

The policy is also unclear on the circumstances relating to part occupation. If part of a site is sublet, then that should preclude the remainder of the site being advanced for other uses, so long as that area is not unduly impacted (in accordance with criteria C).

C) if the site forms part of a larger area occupied or last occupied for employment, that residential or any other use will not be adversely affected by the continuing operation of employment uses in the remainder of the area;

No objection, but as per our comments above the policy must be cognisant of the impacts of existing residential uses on the potential uses of Other Employment Sites and the prospects of their successful redevelopment for employment uses. It cannot be assumed because one employment use has existed successfully alongside residential uses, that this will definitively apply for other employment uses, even in the same Class. For example, our client's land interests nearest residential are used for open storage, but even another open storage operator may lead to increased impact on amenity due to intensity and hours of operation, types of vehicles using the site, etc. If residential properties are located close to the site, and this will impact potential employment generating uses on the site, there needs to be avenues to enable better neighbour uses to come forward, without the need for a marketing exercise which itself may be doomed to fail, due to realistic uses of a given site being intrinsically limited by its context and relationship with the neighbouring residential uses. D) the site could be brought forward for housing in a comprehensive manner and would not lead to piecemeal development;

Whilst we have no objection to the presumed aim of this policy, we believe an amendment is required to ensure the policy will be effective and justified. We would argue that the policy could be improved via the inclusion of the word harmful before piecemeal development, to ensure the policy retains flexibility. For example, in a scenario where there is to be a parcel disposal of a site, due to tenancy issues of a phased withdrawal of operations of a current site operator for example, there may be scenarios where part of a site comes available before

the rest of the site. We assert, in accordance with the aforementioned paragraphs of the NPPF, that it is sound to enable a phased redevelopment of the site, to expedite the useful delivery of housing or other uses, rather than essentially enforcing a site to sit part vacant for a period of time. Clearly in such a circumstance regard would need to be had for amenity, access, and other related issues, but in principle a site being redeveloped in phases is not inherently harmful and actually likely to be beneficial in the scenario as set out above, due to the expediting of beneficial development. As alluded to in the policy, the provision of a coherent masterplan for the site which could be delivered in phases, and control in respect of matters such as affordable housing triggers and delivery. This could enable what in theory could be considered piecemeal development, to occur in an acceptable way, and there should be scope within the policy to allow applicants and the Council to explore how this could be delivered in a beneficial manner.

E) Residential development would not adversely affect the ongoing operation of existing or proposed employment uses on the site or nearby; and

See comments in respect of Criterion C. Ultimately we fully agree that there needs to be an understanding as to the nature of a site's relationship with its neighbours, whether the neighbours be noise generating or susceptible to noise generation, but the policy needs to be more clear that where a site is intrinsically constrained by sensitive neighbouring uses, this will be used in consideration of a redevelopment proposal without a forced and wasteful marketing exercise. F) the site is suitable for housing or other non-ancillary non-employment uses in accordance with local or national policies relating to these uses.

No comments and agreed.

Park Lane West

Our client's land currently benefits from a residential allocation for 77 dwellings. It is within a predominantly residential area and subject to our client vacating the site, our view is residential or good neighbour employment uses should be acceptable in principle, as the site is within the urban area. Had our client's land simply be identified within the urban area, our client would be free to pursue either, subject to meeting any necessary tests related to either, access, flooding, ecology, etc. There is a demonstrable need for both employment and residential land in the HMA, and our view is on that basis both could reasonably be pursued.

The site is assessed under the Black Country Employment Area Review (BEAR) 2021, which concluded that the site was one of the worst scoring sites in review, scoring a 0 against all assessed criteria. Putting it in the bottom 22 sites of the 680 assessed, compared with an average score of 23.6 and a maximum score of 41. The assessment confirmed only that the site was in current employment use, and this seems to have formed the basis of its designation.

As already set out, the site is within an entirely residential area, benefits from good connectivity, particularly having regard for the Metro extension, meaning it will be highly sustainable. Residential redevelopment of the site would therefore in our view be entirely acceptable and should not be arbitrarily restricted, should the current use no longer be required.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SEC4 – Other Employment Sites

Respondent: South Staffordshire Water [305]

Agent: Fisher German (Mrs Angela Brooks, Partner) [304]

Date received: 04/11/2024 via Email

Summary:

Policy SEC4 – Other Employment Sites

Policy SEC4 provides a framework for the development of employment areas that are not either Strategic Employment Areas or Local Employment Areas on the policies map but comprise land that is or was last used in employment use. On such sites, employment redevelopment is supported in principle, and housing or other non-ancillary, non-industrial uses are supported subject to criteria. We support the overall aim of the policy, but have concerns in respect of its operation, particularly criteria a-f within Part 2 of the policy (the clause which enables non-commercial uses).

Paragraph 123 of the NPPF states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

Paragraph 124 of the NPPF states planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

Paragraph 126 of the Framework is clear “Planning policies and decisions need to reflect changes in the demand for land”.

Whilst we understand the policies aims, we consider the policy framework submitted to be unreasonably restrictive when having regard for our client’s land interests. Whilst our comments relate solely to our client’s land interests, logically they may be relevant for other land under the same designation, as confirmed by the Council’s evidence (discussed below).

For ease of reference, we provide comments against each criteria in turn. a) if the site is vacant, that it has been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority;

This criterion is considered to be overtly restrictive and not commensurate with criterion b, discussed below. If a site suddenly vacates, then the policy essentially enforces a period of 12 months where the site will sit vacant whilst marketing is undertaken. During this time there could be issues of anti-social behaviour and crime, liability for site upkeep and security, potential harm to structures through neglect and the potential for ecology to become present, causing issues for redevelopment down the line due to protected species establishing on the site or through BNG.

It is also not clear why a vacant site would need to go through a period of enforced marketing, whereas a not-vacant site only needs demonstrate that occupiers have found alternative premises, without any need for a marketing exercise.

Paragraph 8.37 of the reasoned justification confirms that these sites by definition tend to be “less marketable” and often “within residential areas”. Enforcing the marketing of less marketable sites for employment uses within residential areas is clearly not appropriate and importantly not justified, effective or consistent with National Policy (namely the paragraphs provided above).

If a 12-month marketing exercise is to be enforced, there needs to be greater flexibility in the policy to enable this requirement to be absolved if supported by site specific evidence and context. For example, our client’s land interests are so contained by existing residential uses, this would negate much employment uses on the grounds of amenity, or place unreasonable conditions on future employment uses that would make the site simply unattractive to many potential occupiers. For example, restrictions of hours of operating, noise generation, etc.

Whilst our view is a 12-month marketing for sites under this category is not supported, if it is deemed to be acceptable, then the criterion should instead be amended to allow the flexibility as set out below: a) if the site is vacant, that it has either

- 1) been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority; or
 - 2) evidence has been provided by the landowner to demonstrate why the site is no longer suitable for employment uses, having regard for:
 - a. Improvements in residential amenity, street scene or regeneration
 - b. Market conditions and demands
 - c. Access
 - d. The benefits of an alternative use
- b) if the site is occupied or part-occupied, that successful engagement has been undertaken with the occupiers to secure their relocation;

Again, concern is raised in relation to this policy, not least in that it may stray beyond the remit of planning. Clearly if tenants are in situ, they are protected by the law in respect of their rights with regard to their tenancy agreement, and this would be beyond the realm of planning rules. However, in the scenario where an agreeable rent cannot be agreed for extension for example, it would clearly be inappropriate for the landowner to not be able to actively develop the site for useful uses. Following the logic of the policy, if an occupier was to become insolvent for example, then the policy restricts any ability to advance matters on the site until a relocation that cannot occur occurs, or until the site vacates, by which point there will be a 12 month period of enforced marketing as per criteria a. This approach cannot be consistent with the NPPF which expects useful use of land, particularly available brownfield land, and also understands as per paragraph 126 that planning policies should appreciate the demand for land is constantly fluctuating and thus policies have to be able to be responsive to allow the market to deliver - not be unduly and incommensurately restricted from bringing forward active, useful development on available sites. Whilst there is an appreciation that the Council needs policies in place to ensure a healthy supply of employment land, particularly given localised employment needs in the region, the Council has policies to protect the more important employment sites, and the policy itself by definition accepts that non-employment development on these sites is in principle supportable.

The policy is also unclear on the circumstances relating to part occupation. If part of a site is sublet, then that should preclude the remainder of the site being advanced for other uses, so long as that area is not unduly impacted (in accordance with criteria C).

C) if the site forms part of a larger area occupied or last occupied for employment, that residential or any other use will not be adversely affected by the continuing operation of employment uses in the remainder of the area;

No objection, but as per our comments above the policy must be cognisant of the impacts of existing residential uses on the potential uses of Other Employment Sites and the prospects of their successful redevelopment for employment uses. It cannot be assumed because one employment use has existed successfully alongside residential uses, that this will definitively apply for other employment uses, even in the same Class. For example, our client's land interests nearest residential are used for open storage, but even another open storage operator may lead to increased impact on amenity due to intensity and hours of operation, types of vehicles using the site, etc. If residential properties are located close to the site, and this will impact potential employment generating uses on the site, there needs to be avenues to enable better neighbour uses to come forward, without the need for a marketing exercise which itself may be doomed to fail, due to realistic uses of a given site being intrinsically limited by its context and relationship with the neighbouring residential uses.

D) the site could be brought forward for housing in a comprehensive manner and would not lead to piecemeal development;

Whilst we have no objection to the presumed aim of this policy, we believe an amendment is required to ensure the policy will be effective and justified. We would argue that the policy could be improved via the inclusion of the word harmful before piecemeal development, to ensure the policy retains flexibility. For example, in a scenario where there is to be a parcel disposal of a site, due to tenancy issues of a phased withdrawal of operations of a current site operator for example, there may be scenarios where part of a site comes available before the rest of the site. We assert, in accordance with the aforementioned paragraphs of the NPPF, that it is sound to enable a phased redevelopment of the site, to expedite the useful delivery of housing or other uses, rather than essentially enforcing a site to sit part vacant for a period of time. Clearly in such a circumstance regard would need to be had for amenity, access, and other related issues, but in principle a site being redeveloped in phases is not inherently harmful and actually likely to be beneficial in the scenario as set out above, due to the expediting of beneficial development. As alluded to in the policy, the provision of a coherent masterplan for the site which could be delivered in phases, and control in respect of matters such as affordable housing triggers and delivery. This could enable what in theory could be considered piecemeal development, to occur in an acceptable way, and there should be scope within the policy to allow applicants and the Council to explore how this could be delivered in a beneficial manner.

E) Residential development would not adversely affect the ongoing operation of existing or proposed employment uses on the site or nearby; and

See comments in respect of Criterion C. Ultimately we fully agree that there needs to be an understanding as to the nature of a site's relationship with its neighbours, whether the neighbours be noise generating or susceptible to noise generation, but the policy needs to be more clear that where a site is intrinsically constrained by sensitive neighbouring uses, this will be used in consideration of a redevelopment proposal without a forced and wasteful marketing exercise.

F) the site is suitable for housing or other non-ancillary non-employment uses in accordance with local or national policies relating to these uses.

No comments and agreed.

Full text:

These representations are submitted by Fisher German on behalf of South Staffordshire Water in respect of their land interests at Park Lane West, Tipton.

The site benefits from an allocation for 77 dwellings within the extant Sandwell Site Allocations and Delivery DPD (SAD) which was adopted in December 2012, which itself carried over a former Sandwell Unitary Development Plan allocation from 2004.

The site however remains an operational part of South Staffordshire Water's estate, albeit is located within an area which is itself predominantly residential in nature, with the site itself largely enclosed by existing residential properties to the east, north and west, and south beyond the canal which forms the site's southern boundary.

The site is well related to existing services and facilities, including schools, community centre, employment, Victoria Park, etc. The site is also well related to existing and developing public transport, with existing bus stops served by the regular 230 service between Sedgley and Dudley and the 42 service to Tipton available adjacent to the site on Park Lane West. The site is also very well related to a proposed stop on the Wednesbury to Brierley Hill Extension of the West Midlands Metro tram service (Sedgley Road stop).

Policy SDS1 – Spatial Strategy for Sandwell

The aims of Policy SDS1 is broadly supported, however we believe an element of flexibility should be included to ensure that land is not unduly restricted from serving a more useful purpose. As detailed in our response to Policy SEC4 – Other Employment Sites, we have concerns that the Plan may not be adequately flexible in relation to lower quality and constrained employment sites. Part 1b of Policy SDS1 states that “decisions on planning proposals... maintain the ongoing provision of around 1,221 ha of allocated employment land”. This statement is internally inconsistent with Policy SEC4 which acknowledges that much of the designated employment land designated as lower quality Other Employment Sites are constrained and could be better used to deliver another form of development. Policy SDS1 therefore requires amendment in wording to ensure that the release of employment sites designated as Other Employment Sites under Policy SEC4 is not in conflict with Policy SDS1 which provides the overarching strategic principles of development in Sandwell. Our view is this can be achieved with a slight amendment to Part 1b, to state:

Maintain the ongoing provision of around 1,221 ha of allocated employment land, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Without this change, we find that there is an irreconcilable conflict between the statement of SDS1 and the approach to SEC4, thus the Plan is not sound as is not effective. This modification can however be delivered through Main Modifications without undue harm to the overall strategic function on Policy SDS1.

Policy SDS3 – Regeneration in Sandwell

Policy SDS3 provides high level guidance in respect of the various proposed regeneration areas in Sandwell. Parts 3-7 of the policy provide high level guidance for each of the designated areas. Part 8 provides general guidance to all areas. The policy puts emphasis on the provision of high quality employment. We have no objection to this aim but would stress that not all areas will be suitable to deliver this, and thus even

within designated regeneration areas due regard will need to be had for the specifics of individual sites, including their context. We however support the acknowledgement that regeneration areas can make a positive contribution to residential and employment needs, and that the policy is of a high enough level to allow flexibility in what is delivered.

Policy SEC1 – Providing for Economic Growth and Jobs

Part 1 of Policy SEC1 states “the Sandwell Local Plan will seek to maintain the existing provision of around 1,221 hectares of employment land across the borough”. As per previous comments, this paragraph is in conflict with other policies of the Local Plan which are far more permissive of poor quality employment uses being transferred to non-employment uses. As per our recommended change to policy SDS1, we believe this can be rectified through a relevantly simply main modification to the policy, as per the below.

The Sandwell Local Plan will generally seek to maintain the existing provision of around 1,221 hectares of employment land across the borough, save for where this land is no longer appropriate for employment uses in accordance with other policies in this Plan.

Policy SEC4 – Other Employment Sites

Policy SEC4 provides a framework for the development of employment areas that are not either Strategic Employment Areas or Local Employment Areas on the policies map but comprise land that is or was last used in employment use. On such sites, employment redevelopment is supported in principle, and housing or other non-ancillary, non-industrial uses are supported subject to criteria. We support the overall aim of the policy, but have concerns in respect of its operation, particularly criteria a-f within Part 2 of the policy (the clause which enables non-commercial uses).

Paragraph 123 of the NPPF states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

Paragraph 124 of the NPPF states planning policies should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

Paragraph 126 of the Framework is clear “Planning policies and decisions need to reflect changes in the demand for land”.

Whilst we understand the policies aims, we consider the policy framework submitted to be unreasonably restrictive when having regard for our client’s land interests. Whilst our comments relate solely to our client’s land interests, logically they may be relevant for other land under the same designation, as confirmed by the Council’s evidence (discussed below).

For ease of reference, we provide comments against each criteria in turn. a) if the site is vacant, that it has been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority;

This criterion is considered to be overtly restrictive and not commensurate with criterion b, discussed below. If a site suddenly vacates, then the policy essentially enforces a period of 12 months where the site will sit vacant whilst marketing is undertaken. During this time there could be issues of anti-social behaviour and crime, liability for site upkeep and security, potential harm to structures through neglect and the potential for ecology to become present, causing issues for redevelopment down the line due to protected species establishing on the site or through BNG.

It is also not clear why a vacant site would need to go through a period of enforced marketing, whereas a not-vacant site only needs demonstrate that occupiers have found alternative premises, without any need for a marketing exercise.

Paragraph 8.37 of the reasoned justification confirms that these sites by definition tend to be “less marketable” and often “within residential areas”. Enforcing the marketing of less marketable sites for employment uses within residential areas is clearly not appropriate and importantly not justified, effective or consistent with National Policy (namely the paragraphs provided above).

If a 12-month marketing exercise is to be enforced, there needs to be greater flexibility in the policy to enable this requirement to be absolved if supported by site specific evidence and context. For example, our client’s land interests are so contained by existing residential uses, this would negate much employment uses on the grounds of amenity, or place unreasonable conditions on future employment uses that would make the site simply unattractive to many potential occupiers. For example, restrictions of hours of operating, noise generation, etc.

Whilst our view is a 12-month marketing for sites under this category is not supported, if it is deemed to be acceptable, then the criterion should instead be amended to allow the flexibility as set out below: a) if the site is vacant, that it has either

- 1) been marketed for employment use for a period of at least 12 months, including by site notice and through the internet or as may be agreed by the local planning authority; or
- 2) evidence has been provided by the landowner to demonstrate why the site is no longer suitable for employment uses, having regard for:
 - a. Improvements in residential amenity, street scene or regeneration
 - b. Market conditions and demands
 - c. Access
 - d. The benefits of an alternative use
- b) if the site is occupied or part-occupied, that successful engagement has been undertaken with the occupiers to secure their relocation;

Again, concern is raised in relation to this policy, not least in that it may stray beyond the remit of planning. Clearly if tenants are in situ, they are protected by the law in respect of their rights with regard to their tenancy agreement, and this would be beyond the realm of planning rules. However, in the scenario where an agreeable rent cannot be agreed for extension for example, it would clearly be inappropriate for the landowner to not be able to actively develop the site for useful uses. Following the logic of the policy, if an occupier was to become insolvent for example, then the policy restricts any ability to advance matters on the site until a relocation that cannot occur occurs, or until the site vacates, by which point there will be a 12 month period of enforced marketing as per criteria a. This approach cannot be consistent with the NPPF which expects useful use of land, particularly available brownfield land, and also understands as per paragraph 126 that planning policies should appreciate the demand for land is constantly fluctuating and thus policies have to be able to be responsive to allow the market to deliver - not be unduly and incommensurately restricted from bringing forward active, useful development on available sites. Whilst

there is an appreciation that the Council needs policies in place to ensure a healthy supply of employment land, particularly given localised employment needs in the region, the Council has policies to protect the more important employment sites, and the policy itself by definition accepts that non-employment development on these sites is in principle supportable.

The policy is also unclear on the circumstances relating to part occupation. If part of a site is sublet, then that should preclude the remainder of the site being advanced for other uses, so long as that area is not unduly impacted (in accordance with criteria C).

C) if the site forms part of a larger area occupied or last occupied for employment, that residential or any other use will not be adversely affected by the continuing operation of employment uses in the remainder of the area;

No objection, but as per our comments above the policy must be cognisant of the impacts of existing residential uses on the potential uses of Other Employment Sites and the prospects of their successful redevelopment for employment uses. It cannot be assumed because one employment use has existed successfully alongside residential uses, that this will definitively apply for other employment uses, even in the same Class. For example, our client's land interests nearest residential are used for open storage, but even another open storage operator may lead to increased impact on amenity due to intensity and hours of operation, types of vehicles using the site, etc. If residential properties are located close to the site, and this will impact potential employment generating uses on the site, there needs to be avenues to enable better neighbour uses to come forward, without the need for a marketing exercise which itself may be doomed to fail, due to realistic uses of a given site being intrinsically limited by its context and relationship with the neighbouring residential uses. D) the site could be brought forward for housing in a comprehensive manner and would not lead to piecemeal development;

Whilst we have no objection to the presumed aim of this policy, we believe an amendment is required to ensure the policy will be effective and justified. We would argue that the policy could be improved via the inclusion of the word harmful before piecemeal development, to ensure the policy retains flexibility. For example, in a scenario where there is to be a parcel disposal of a site, due to tenancy issues of a phased withdrawal of operations of a current site operator for example, there may be scenarios where part of a site comes available before the rest of the site. We assert, in accordance with the aforementioned paragraphs of the NPPF, that it is sound to enable a phased redevelopment of the site, to expedite the useful delivery of housing or other uses, rather than essentially enforcing a site to sit part vacant for a period of time. Clearly in such a circumstance regard would need to be had for amenity, access, and other related issues, but in principle a site being redeveloped in phases is not inherently harmful and actually likely to be beneficial in the scenario as set out above, due to the expediting of beneficial development. As alluded to in the policy, the provision of a coherent masterplan for the site which could be delivered in phases, and control in respect of matters such as affordable housing triggers and delivery. This could enable what in theory could be considered piecemeal development, to occur in an acceptable way, and there should be scope within the policy to allow applicants and the Council to explore how this could delivered in a beneficial manner.

E) Residential development would not adversely affect the ongoing operation of existing or proposed employment uses on the site or nearby; and

See comments in respect of Criterion C. Ultimately we fully agree that there needs to be an understanding as to the nature of a site's relationship with its neighbours, whether the neighbours be noise generating or susceptible to noise generation, but the policy needs to be more clear that where a site is intrinsically constrained by sensitive neighbouring uses, this will be used in consideration of a redevelopment proposal without a forced and wasteful marketing exercise. F) the site is suitable for housing or other non-ancillary non-employment uses in accordance with local or national policies relating to these uses.

No comments and agreed.

Park Lane West

Our client's land currently benefits from a residential allocation for 77 dwellings. It is within a predominantly residential area and subject to our client vacating the site, our view is residential or good neighbour employment uses should be acceptable in principle, as the site is within the urban area. Had our client's land simply be identified within the urban area, our client would be free to pursue either, subject to meeting any necessary tests related to either, access, flooding, ecology, etc. There is a demonstrable need for both employment and residential land in the HMA, and our view is on that basis both could reasonably be pursued.

The site is assessed under the Black Country Employment Area Review (BEAR) 2021, which concluded that the site was one of the worst scoring sites in review, scoring a 0 against all assessed criteria. Putting it in the bottom 22 sites of the 680 assessed, compared with an average score of 23.6 and a maximum score of 41. The assessment confirmed only that the site was in current employment use, and this seems to have formed the basis of its designation.

As already set out, the site is within an entirely residential area, benefits from good connectivity, particularly having regard for the Metro extension, meaning it will be highly sustainable. Residential redevelopment of the site would therefore in our view be entirely acceptable and should not be arbitrarily restricted, should the current use no longer be required.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England notes that part 6 of the policy, and associated Appendix A identifies 6 locations for the potential provision of biodiversity units to developers unable to provide a minimum 10% net gain on their own sites. Sport England wishes to comment on three of the identified sites where they contain existing playing field land as follows:

Menzies open space : Part of the site as shown on the plan in Appendix A forms part of the playing field land used as school playing field at Phoenix Collegiate Academy. This includes existing grass pitches for football that have recently been improved by the school as part of a package of mitigation for loss of playing field at former Phoenix North Campus to be developed for housing. It is therefore imperative that the playing field land is suitably protected, and should therefore be excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Tividale Park : Significant parts of the site form existing playing field land, with several areas laid out to provide playing pitches for football, and a non-turf cricket pitch. The park also includes existing changing rooms. Whilst there is reference to areas of scrub and woodland offering potential for improvement, for which we have no objection, the policy is not sufficiently clear to protect the playing field land, which should be excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Tibbington Open space (The Cracker) : An area of land in the northern part of the open space is disused playing field that has previously been laid out to provide football pitches. There is no evidence presented to demonstrate that the playing field is surplus to requirements and so this area should be protected for playing field use and excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Given the above, Sport England wishes to object to identification of the playing field land within the proposed recipient sites for BNG offsetting. Our objection would be addressed by amending the maps to exclude the playing field land and adding some qualifying text as explained.

Full text:

Sport England notes that part 6 of the policy, and associated Appendix A identifies 6 locations for the potential provision of biodiversity units to developers unable to provide a minimum 10% net gain on their own sites. Sport England wishes to comment on three of the identified sites where they contain existing playing field land as follows:

Menzies open space : Part of the site as shown on the plan in Appendix A forms part of the playing field land used as school playing field at Phoenix Collegiate Academy. This includes existing grass pitches for football that have recently been improved by the school as part of a package of mitigation for loss of playing field at former Phoenix North Campus to be developed for housing. It is therefore imperative that the playing field land is suitably protected, and should therefore be excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Tividale Park : Significant parts of the site form existing playing field land, with several areas laid out to provide playing pitches for football, and a non-turf cricket pitch. The park also includes existing changing rooms. Whilst there is reference to areas of scrub and woodland offering potential for improvement, for which we have no objection, the policy is not sufficiently clear to protect the playing field land, which should be excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Tibbington Open space (The Cracker) : An area of land in the northern part of the open space is disused playing field that has previously been laid out to provide football pitches. There is no evidence presented to demonstrate that the playing field is surplus to requirements and so this area should be protected for playing field use and excluded from the area of land identified for BNG offsetting. The plan should be amended accordingly and text added to make it clear that existing playing field land will be excluded from the areas to be used for BNG off-setting.

Given the above, Sport England wishes to object to identification of the playing field land within the proposed recipient sites for BNG offsetting. Our objection would be addressed by amending the maps to exclude the playing field land and adding some qualifying text as explained.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1425

Comment

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports the amendments made to both the wording of the policy and the supporting text in para 6.42-6.43 that explains that policy SHW4 sets out the Council's strategic approach to open space, whereas SHW5 relates specifically to playing fields and sports facilities. We also support the amendment made to part 7 of the policy, including footnote 153 that makes it clear that policy SHW4 relates to informal open space and recreation only and not to playing fields and other formal sports facilities that are covered by policy SHW5. The amendments have addressed Sport England's concerns raised at Reg 18 stage that as previously drafted there was some uncertainty as to whether policy SHW4 and the supporting appendix were relevant to playing fields, and as a result some conflict between the criteria tests to maintain consistency with national policy in the framework and Sport England's playing fields policy. As such, Sport England has no objection to the amended wording of policy SHW4.

Full text:

Sport England supports the amendments made to both the wording of the policy and the supporting text in para 6.42-6.43 that explains that policy SHW4 sets out the Council's strategic approach to open space, whereas SHW5 relates specifically to playing fields and sports facilities. We also support the amendment made to part 7 of the policy, including footnote 153 that makes it clear that policy SHW4 relates to informal open space and recreation only and not to playing fields and other formal sports facilities that are covered by policy SHW5. The amendments have addressed Sport England's concerns raised at Reg 18 stage that as previously drafted there was some uncertainty as to whether policy SHW4 and the supporting appendix were relevant to playing fields, and as a result some conflict between the criteria tests to maintain consistency with national policy in the framework and Sport England's playing fields policy. As such, Sport England has no objection to the amended wording of policy SHW4.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1426

Support

Document Element: Policy SID1 – Infrastructure Provision and Viability Assessments

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports this strategic policy which sets out the Council's approach to securing infrastructure needed for all new developments, and we note the contents of paragraph 12.17 of the associated justification that expressly references sport and recreational facilities as being included within the definition of infrastructure. This relates well to policy SHW5 which specifically addresses meeting the needs for playing pitches and sports facilities.

Full text:

Sport England supports this strategic policy which sets out the Council's approach to securing infrastructure needed for all new developments, and we note the contents of paragraph 12.17 of the associated justification that expressly references sport and recreational facilities as being included within the definition of infrastructure. This relates well to policy SHW5 which specifically addresses meeting the needs for playing pitches and sports facilities.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1427

Comment

Document Element: Policy SHO8 – Education Facilities

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports part 5 of the policy that states new and redeveloped education facilities should include provision for wider community use of sports and other facilities where this would be in accordance with evidence of need, secured through a suitably worded community use agreement as this aligns with Sport England's approach to making most effective use of local community facilities to deliver sport and physical activity.

Sport England supports part 7 of the policy that identifies that the loss of part or the whole of an education facility will only be permitted where alternative provision is available to meet the needs of the community since this also helps protect the supply of community available sports facilities at education sites in the Borough.

Full text:

Sport England supports part 5 of the policy that states new and redeveloped education facilities should include provision for wider community use of sports and other facilities where this would be in accordance with evidence of need, secured through a suitably worded community use agreement as this aligns with Sport England's approach to making most effective use of local community facilities to deliver sport and physical activity.

Sport England supports part 7 of the policy that identifies that the loss of part or the whole of an education facility will only be permitted where alternative provision is available to meet the needs of the community since this also helps protect the supply of community available sports facilities at education sites in the Borough.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS5 - Achieving Well-designed Places

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports those parts of this policy, particularly parts 7 and 8 that reference the importance of creating permeable and accessible places for active travel, and to creating high quality, active, safe and accessible places to contribute to healthier communities as these relate well to Sport England's Strategy Big issue Active Environments, and to our 10 principles in Sport England's Active Design Guidance.

<https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/active-design>

We also support parts 1 and 2 of the policy relating to the development of a Sandwell-wide Design Code. Sport England are producing some guidance to assist Local Authorities preparing design codes to ensure they incorporate suitable requirements to deliver Active Environments, ie creating places and spaces that allow everyone to be physically active in their day to day lives. We would advocate that the Council takes this emerging guidance into account when the Design Code supplementary plan is produced. Sport England would wish to engage with the Council to support the production of the guide in due course

Full text:

Sport England supports those parts of this policy, particularly parts 7 and 8 that reference the importance of creating permeable and accessible places for active travel, and to creating high quality, active, safe and accessible places to contribute to healthier communities as these relate well to Sport England's Strategy Big issue Active Environments, and to our 10 principles in Sport England's Active Design Guidance.

<https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/active-design>

We also support parts 1 and 2 of the policy relating to the development of a Sandwell-wide Design Code. Sport England are producing some guidance to assist Local Authorities preparing design codes to ensure they incorporate suitable requirements to deliver Active Environments, ie creating places and spaces that allow everyone to be physically active in their day to day lives. We would advocate that the Council takes this emerging guidance into account when the Design Code supplementary plan is produced. Sport England would wish to engage with the Council to support the production of the guide in due course

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1429

Support

Document Element: Policy SDMI – Design Quality

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports the approach in this policy to achieving good place making, and welcomes the reference in para 15.20 to Sport England's Active Design guidance, within which we draw out how Sport England's 10 Active Design principles align with those within the National Design Guide. We are pleased to see that a hyperlink to our guidance has been added at footnote 262.

Full text:

Sport England supports the approach in this policy to achieving good place making, and welcomes the reference in para 15.20 to Sport England's Active Design guidance, within which we draw out how Sport England's 10 Active Design principles align with those within the National Design Guide. We are pleased to see that a hyperlink to our guidance has been added at footnote 262.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England commented at Reg 18 consultation stage as follows:

"Sport England supports part 3 of the policy that expressly references improving the value and recreational role of the green belt in Sandwell Valley through improving safe accessibility for all users and by providing facilities for active and passive recreation. The latter contains a proviso with a footnote reference to para 149 of the NPPF which deals with preserving the openness of the green belt when considering the construction of new buildings.

Para 150 of the NPPF references certain other forms of development that are also not inappropriate in the Green Belt, which includes e) material changes in the use of land (such as changes of use for outdoor sport or recreation). Policy SD6 as currently drafted does not cover this since the footnote only relates to para 149, and the material change of use of land is not addressed elsewhere in the policy.

Sport England would wish to see the policy amended to address this point so that the policy is consistent with para 150 of the NPPF."

In response, Sandwell Council's Reg 18 Consultation Representations Sept 2024 responds that the footnote reference to para 149 of the NPPF has since been updated to para 154 and so the reg 19 policy wording has been updated accordingly.

Whilst this is noted, this does not address Sport England's substantive point which is that the wording of policy SDS7 is silent on other forms of development which are also not considered to be inappropriate development (providing they preserve its openness and do not conflict with the purposes of including land within it in accordance with para 155 of the Framework. This is important given the role of Sandwell's green belt in providing opportunities for sport and physical activity to serve the Borough's residents needs.

It is Sport England's view that as drafted, the omission to include reference to material changes of use of land is inconsistent with national policy and is therefore unsound.

Full text:

Sport England commented at Reg 18 consultation stage as follows:

"Sport England supports part 3 of the policy that expressly references improving the value and recreational role of the green belt in Sandwell Valley through improving safe accessibility for all users and by providing facilities for active and passive recreation. The latter contains a proviso with a footnote reference to para 149 of the NPPF which deals with preserving the openness of the green belt when considering the construction of new buildings.

Para 150 of the NPPF references certain other forms of development that are also not inappropriate in the Green Belt, which includes e) material changes in the use of land (such as changes of use for outdoor sport or recreation). Policy SD6 as currently drafted does not cover this since the footnote only relates to para 149, and the material change of use of land is not addressed elsewhere in the policy.

Sport England would wish to see the policy amended to address this point so that the policy is consistent with para 150 of the NPPF."

In response, Sandwell Council's Reg 18 Consultation Representations Sept 2024 responds that the footnote reference to para 149 of the NPPF has since been updated to para 154 and so the reg 19 policy wording has been updated accordingly.

Whilst this is noted, this does not address Sport England's substantive point which is that the wording of policy SDS7 is silent on other forms of development which are also not considered to be inappropriate development (providing they preserve its openness and do not conflict with the purposes of including land within it in accordance with para 155 of the Framework. This is important given the role of Sandwell's green belt in providing opportunities for sport and physical activity to serve the Borough's residents needs.

It is Sport England's view that as drafted, the omission to include reference to material changes of use of land is inconsistent with national policy and is therefore unsound.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1431

Support

Document Element: Policy SDS8 - Green and Blue Infrastructure in Sandwell

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England notes and supports the amendment made to part 3 of the policy to provide a specific cross reference to the health and wellbeing policies in the proposed plan (Policies SHW1-SHW6), which appropriately addresses Sport England's representation at Reg 18 stage.

Full text:

Sport England notes and supports the amendment made to part 3 of the policy to provide a specific cross reference to the health and wellbeing policies in the proposed plan (Policies SHW1-SHW6), which appropriately addresses Sport England's representation at Reg 18 stage.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHW5 – Playing Fields and Sports Facilities

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Sport England supports part 1 of the policy which accords with paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

Sport England supports part 2 of the policy which relates to provision of new built sports facilities to meet identified needs that are well-designed and in accessible locations.

Sport England supports part 3 of the policy that relates to securing developer contributions to address the needs of new housing developments, through proportionate planning obligations or CIL. We support the amendment made to make it clear that the policy will be applied to smaller co-located sites which taken together form part of a major development.

Sport England supports part 5 of the policy that promotes the wider community use of school playing fields and other school sports facilities such as sports halls to help meet identified needs. We support the amendment made that where appropriate this will be secured via a suitably worded community use agreement.

Sport England supports reference in para 6.60 to using Sport England's calculator tools as a basis for determining appropriate level of contributions since this draws from data collected for the PPOSS.

Whilst there is reference in the Reg 18 consultation statement to making the policy clearer to refer to the scale of qualifying development, Sport England have been unable to locate this wording in either the policy or reasoned justification. The only possible reference is the wording "major housing development" in the policy, though we are uncertain if this should be taken to mean the Glossary definition from the Framework which cross refers to the T&CP Planning (Development Management Procedure) Order 2015 (as amended) of 10 dwellings or more or some other amount? This should be addressed as a modification to the policy.

Notwithstanding that the justification draws from the headline findings of the 2022 PPOSS in paras 6.61-6.66, it is recommended that a further paragraph is added to the justification to explain that the Council will review and replace the PPOSS so as to keep this evidence up to date through the Plan period in accordance with para 102 of the Framework.

Full text:

Sport England supports part 1 of the policy which accords with paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

Sport England supports part 2 of the policy which relates to provision of new built sports facilities to meet identified needs that are well-designed and in accessible locations.

Sport England supports part 3 of the policy that relates to securing developer contributions to address the needs of new housing developments, through proportionate planning obligations or CIL. We support the amendment made to make it clear that the policy will be applied to smaller co-located sites which taken together form part of a major development.

Sport England supports part 5 of the policy that promotes the wider community use of school playing fields and other school sports facilities such as sports halls to help meet identified needs. We support the amendment made that where appropriate this will be secured via a suitably worded community use agreement.

Sport England supports reference in para 6.60 to using Sport England's calculator tools as a basis for determining appropriate level of contributions since this draws from data collected for the PPOSS.

Whilst there is reference in the Reg 18 consultation statement to making the policy clearer to refer to the scale of qualifying development, Sport England have been unable to locate this wording in either the policy or reasoned justification. The only possible reference is the wording "major housing development" in the policy, though we are uncertain if this should be taken to mean the Glossary definition from the Framework which cross refers to the T&CP Planning (Development Management Procedure) Order 2015 (as amended) of 10 dwellings or more or some other amount? This should be addressed as a modification to the policy.

Notwithstanding that the justification draws from the headline findings of the 2022 PPOSS in paras 6.61-6.66, it is recommended that a further paragraph is added to the justification to explain that the Council will review and replace the PPOSS so as to keep this evidence up to date through the Plan period in accordance with para 102 of the Framework.

Notwithstanding Sport England's support for the wording of the policy, and the wording of paragraphs 6.58-6.66, we are raising a strong objection to the contents of paragraphs 6.67-6.68 in respect of the proposed allocation of existing playing field land at Lion Farm. We have provided a separate statement to address why we consider that the proposed allocation and the suggested mitigation sites referenced in paragraph 6.68 fail to meet with proposed policy SHW5 of the proposed Sandwell Plan Publication Version, para 103 of the Framework, and Sport England's Playing Fields Policy and guidance. Due to this conflict with national policy we consider the Lion Farm allocation to be unsound, and that the allocation and the associated text in paras 6.67-6.68 should be removed from the plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Yes

Comply with duty: Yes

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHW5 – Playing Fields and Sports Facilities

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

Notwithstanding Sport England's support for the wording of the policy, and the wording of paragraphs 6.58-6.66, we are raising a strong objection to the contents of paragraphs 6.67-6.68 in respect of the proposed allocation of existing playing field land at Lion Farm. We have provided a separate statement to address why we consider that the proposed allocation and the suggested mitigation sites referenced in paragraph 6.68 fail to meet with proposed policy SHW5 of the proposed Sandwell Plan Publication Version, para 103 of the Framework, and Sport England's Playing Fields Policy and guidance. Due to this conflict with national policy we consider the Lion Farm allocation to be unsound, and that the allocation and the associated text in paras 6.67-6.68 should be removed from the plan.

Full text:

Sport England supports part 1 of the policy which accords with paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

Sport England supports part 2 of the policy which relates to provision of new built sports facilities to meet identified needs that are well-designed and in accessible locations.

Sport England supports part 3 of the policy that relates to securing developer contributions to address the needs of new housing developments, through proportionate planning obligations or CIL. We support the amendment made to make it clear that the policy will be applied to smaller co-located sites which taken together form part of a major development.

Sport England supports part 5 of the policy that promotes the wider community use of school playing fields and other school sports facilities such as sports halls to help meet identified needs. We support the amendment made that where appropriate this will be secured via a suitably worded community use agreement.

Sport England supports reference in para 6.60 to using Sport England's calculator tools as a basis for determining appropriate level of contributions since this draws from data collected for the PPOSS.

Whilst there is reference in the Reg 18 consultation statement to making the policy clearer to refer to the scale of qualifying development, Sport England have been unable to locate this wording in either the policy or reasoned justification. The only possible reference is the wording "major housing development" in the policy, though we are uncertain if this should be taken to mean the Glossary definition from the Framework which cross refers to the T&CP Planning (Development Management Procedure) Order 2015 (as amended) of 10 dwellings or more or some other amount? This should be addressed as a modification to the policy.

Notwithstanding that the justification draws from the headline findings of the 2022 PPOSS in paras 6.61-6.66, it is recommended that a further paragraph is added to the justification to explain that the Council will review and replace the PPOSS so as to keep this evidence up to date through the Plan period in accordance with para 102 of the Framework.

Notwithstanding Sport England's support for the wording of the policy, and the wording of paragraphs 6.58-6.66, we are raising a strong objection to the contents of paragraphs 6.67-6.68 in respect of the proposed allocation of existing playing field land at Lion Farm. We have provided a separate statement to address why we consider that the proposed allocation and the suggested mitigation sites referenced in paragraph 6.68 fail to meet with proposed policy SHW5 of the proposed Sandwell Plan Publication Version, para 103 of the Framework, and Sport England's Playing Fields Policy and guidance. Due to this conflict with national policy we consider the Lion Farm allocation to be unsound, and that the allocation and the associated text in paras 6.67-6.68 should be removed from the plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Housing Allocations

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

SH18 (SA55) Friar Park (STW/SMBC land), Wednesbury -

At Reg 18 stage Sport England made the following representation: "Sport England recognises that the allocation does make reference to mitigating the loss of playing pitches in line with the PPOSS/Action Plan, but objects to this being subject to viability testing, since there is no relevant exception criteria for viability testing in para 99 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance. To address, this we recommend that the reference to viability testing be removed."

The Council's response to Reg 18 consultation document sets out "Comments noted, do not need to amend as there are policies in place with regards to playing pitch replacement. Sandwell Council will continue to engage with Sport England in relation to this matter"

Sport England notes that Appendix 2 maintains the following reference "Playing Pitches on site - subject to demonstration of viability, reinstatement should be made in accordance with the PPOSS/Action Plan 2023"

Sport England continues to object to the maintained reference to only mitigating the loss of playing field where it is viable to do so, since there is no exception criteria in para 103 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance in respect of viability. Since this wording does not accord with national policy, as drafted the policy allocation is considered to be unsound. This objection could be addressed by removing the words "subject to demonstration of viability", suggested replacement wording as follows "Any loss of playing field will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

Full text:

SH18 (SA55) Friar Park (STW/SMBC land), Wednesbury -

At Reg 18 stage Sport England made the following representation: "Sport England recognises that the allocation does make reference to mitigating the loss of playing pitches in line with the PPOSS/Action Plan, but objects to this being subject to viability testing, since there is no relevant exception criteria for viability testing in para 99 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance. To address, this we recommend that the reference to viability testing be removed."

The Council's response to Reg 18 consultation document sets out "Comments noted, do not need to amend as there are policies in place with regards to playing pitch replacement. Sandwell Council will continue to engage with Sport England in relation to this matter"

Sport England notes that Appendix 2 maintains the following reference "Playing Pitches on site - subject to demonstration of viability, reinstatement should be made in accordance with the PPOSS/Action Plan 2023"

Sport England continues to object to the maintained reference to only mitigating the loss of playing field where it is viable to do so, since there is no exception criteria in para 103 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance in respect of viability. Since this wording does not accord with national policy, as drafted the policy allocation is considered to be unsound. This objection could be addressed by removing the words "subject to demonstration of viability", suggested replacement wording as follows "Any loss of playing field will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

SH34 (SA79) Brandhall Golf Course -

At Reg 18 stage Sport England made the following representation: "The allocation references an existing planning application for redevelopment of the site, for which Sport England have objected. We recognise that there is no longer a need to retain the 18 hole municipal course, but take the view that mitigation should be secured to make qualitative improvements to the existing golf course facility at Warley Woods in line with the findings and recommendations of the PPOSS 2022. We understand that a planning condition has been included to secure this mitigation. To address this, we would recommend that an appropriate reference be added to the allocation regarding securing an appropriate the off-site contribution towards golf".

The Council's response to Reg 18 consultation document states that no change is proposed to the allocation wording on the basis that the planning condition was secured in respect of the planning application and that there are policies in the plan that refer to the loss of sports facilities.

Sport England remains of the view that the allocation should make reference to mitigating the loss of the golf course. The existing planning consent, whilst currently extant, may not be implemented. It is important that the policy allocation recognises the need to mitigate the loss of the existing sports facility to accord with draft policy SHW5 and para 103 of the NPPF. Sport England's objection could be addressed by adding the words "the loss of the disused golf course will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

SH43 (SA166) Land off Tanhouse Avenue, Great Barr -

At Reg 18 stage Sport England made the following representation : "The site includes an area of disused playing field that has previously been delineated to provide a football pitch. The proposed allocation does not reference this, and does not identify the need to mitigate the loss of the playing field in line with para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy, and so we object to this proposed allocation. To address this, either the proposed allocation should be deleted, or additional text be added to make it clear that the proposed allocation an only come forward subject to addressing the loss of former playing field in line with the above policies."

The Council's response to Reg 18 consultation document states the allocation does not include the disused playing field. Additional information will be added to the further information column stating that any proposal will need to allow for access to the playing field.

Sport England disputes the Council's view that the proposed allocation does not constitute disused playing field land. This is evident from google earth aerial imagery as shown in the attached document. The image shown from October 2003 clearly shows there to be a football pitch marked out. There has been no material change of use of the land since that time, and planning permission would not be required to cut the grass etc and mark out a pitch for re-use as playing field. Sport England is therefore of the view that the further information wording

requiring access to be retained to the adjoining playing field to east in insufficient, and that there is also a need to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. As it stands, Sport England considers the allocation to be unsound as it is not in accordance with national policy that protects playing fields. To address this, it will be necessary to make it clear that the site can only be developed where there is provision to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. The Council have not put forward any such proposals. Alternatively, the allocation should be withdrawn from the plan.

SM2 (SA199) Lion Farm, Oldbury -

At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

The Council's response to Reg 18 consultation document states work is underway to identify replacement provision in suitable locations, if this cannot be found, the allocation will be amended or deleted in full.

This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblets Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: No

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: APPENDIX B - Sandwell Site Allocations

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

SM2 (SA199) Lion Farm, Oldbury -

At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

The Council's response to Reg 18 consultation document states work is underway to identify replacement provision in suitable locations, if this cannot be found, the allocation will be amended or deleted in full.

This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblett's Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

Appendix B, Mixed use allocations - SM2 (SA199) Lion Farm, Oldbury and policy SHW5

The Council's position

Mixed use allocation SM2 (SA199) – The further information text to this mixed use allocation states as follows:

Site assessment found It is considered that a mix of residential and employment uses could be accommodated on this site. Net loss of the existing sports pitches could be avoided (nb this option is strongly caveated by the ability to relocate 6 pitches to the southern part of the borough) Sufficient community open space can be provided.

Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblett's Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

A Masterplan will be prepared for the site, which will include a strategy for responding to National Grid overhead transmission lines and underground cables present within the site.

The development will be developed with the following site-specific criteria:

YJ ROUTE: 275Kv Overhead Transmission Line route: KITWELL - OCKER HILL 275Kv Underground Cable route: KITWELL 275KV S/S

A strategy for responding to the NGET overhead transmission lines present within the site which demonstrates how the NGET Design Guide and Principles have been applied at the masterplanning stage and how the impact of the assets has been reduced through good design. SHW5 – Playing Fields and sports facilities – Paragraphs 6.67-6.68 of the justification sets out the following, repeating the same list of possible mitigation sites as referenced in the above proposed allocation:

The proposed reallocation of Lion Farm to deliver housing and employment development will result in the loss of several extant playing pitches currently in use at the site. These will be replaced, and where required the remaining pitches and facilities on site upgraded, prior to the commencement of any development on site.

The locations that have been identified as having capacity to provide potential replacement pitches are:

Lightwoods Park - 2 X full size pitches
 Balls Hill Open Space, Chester Road/Surrey Crescent Site - 1 pitch
 Black Patch Park - 2 x junior pitches
 Hill Top Park Site - 2x full size and 1 x junior pitch
 Brooklands Open Space, Brooklands site - 2 x full size and 1 x junior pitch
 Marl Hole Park, Hamblett's Eoad Site - 1 x full size pitch
 Radcliffe Park, Ebenezer Street Site - 1 x junior pitch
 Playing Field, Bilston Road Site - 1 x full size pitch or 2 x junior pitches

Evidently, the Council recognises that the existing playing field at Lion Farm has not, and cannot, be demonstrated to be surplus to requirements for sport to meet with part 1a) of draft policy SHW5, paragraph 103a) of the Framework, and exception E1 of Sport England's Playing Fields Policy. Sport England agrees that the Lion Farm site cannot be agreed to be surplus to requirements for sport. In putting forward the above list of possible mitigation sites, the Council is seeking to demonstrate that equitable or better replacement playing field provision could be provided to meet with part 1b) of draft policy SHW5, and paragraph 103b) of the Framework. Exception E4 of Sport England's playing fields policy is also relevant.

The Lion Farm playing fields

The playing field site comprises approximately 14.3 hectares of land that is laid out to provide 11 adult grass football pitches. There is also a bowls green, a large ancillary building providing changing rooms and ancillary car parking. There is an electricity pylon on part of the site that practically constrains parts of the playing field land from being laid out to provide further pitches. Nonetheless, the large expanse of playing field allows for pitches to be marked out in different configurations to meet local needs. There is a long history of the site being used for grassroots football.

Summary analysis of the eight proposed mitigation sites

For the various reasons explained in the sections above, none of the sites put forward are capable of meeting the relevant policy criteria in draft policy SHW5, paragraph 103 of the Framework or Sport England's Playing Fields policy.

None of the sites, either singularly or collectively, have been demonstrated to be capable of providing equitable or better provision of playing field in quantity or quality.

The Council have not undertaken any technical assessments/feasibility analysis by a suitably qualified sports turf expert to evidence their position in respect of the capacity of these 8 sites to provide playing pitches, and to present their analysis of why they consider these sites are capable of providing equitable or better provision in a suitable location to the loss at Lion Farm, (which we estimate would equate to a loss of 6-7 adult football pitches depending on the extent of land proposed for the allocation), together with access to ancillary changing and off-road car parking facilities.

Sport England have explained that all the sites, perhaps with the exception of Lightwoods Park, are incapable of accommodating adult pitches. Even Lightwoods Park may be challenging to accommodate adult pitches without considering the potential need for ball stop fencing to prevent balls from leaving the field of play into the A456.

Given the loss of playing field at Lion Farm currently provides adult pitches, we do not consider that the provision of youth and mini football pitches at the proposed mitigation sites could not be considered to meet this policy criteria of being equitable or better in quality and quantity.

In some cases, the mitigation being put forward constitutes existing playing field land, and the case of Lightwoods Park and Hill Top Park would displace existing non turf cricket pitches. Displacing these pitches would be a further negative impact.

In the case of Bilston Road, this would displace an existing Multi Use Games Area, a further negative impact.

Areas of land at Lightwoods Park, Black Patch Park and Brooklands contain either disused playing field, having been laid out with playing pitches in the past, or are currently laid out to provide grass pitches for football.

None of the identified mitigation sites have any existing ancillary changing rooms, nor any off-road car parking, and many of the sites would seem incapable of being able to accommodate such provision. In the absence of such provision the sites would likely be unattractive to users.

None of the sites are located close to the Lion Farm site, and none of the identified sites are located in the Oldbury sub area. They are either in the Wednesbury or West Bromwich sub areas, several kilometres away, and so are not considered to be in a suitable location to meet the policy criteria. The users of the Lion Farm site would be unlikely to see these sites as suitable alternatives given the geographical location away from the Oldbury sub area.

Several of the sites contain existing informal kickabout spaces that serve an important open space function that would be lost to accommodate any proposed pitches. The loss of open space for other functions would also need to be considered.

Lack of suitable alternative sites

It is Sport England's view that the Council have exhausted all opportunities within Sandwell area to identify suitable sites to mitigate the proposed loss of playing field land at Lion Farm.

If there were better and more appropriate alternative sites to the 8 suggested sites identified in the policy allocation, they would have

included them, but they have not done so, since such suitable alternative sites for replacement playing provision cannot be identified by the Council.

Sport England is unaware of any suitable alternative sites.

Evidence of need to protect the site for existing and future demand for football

Para 102 of the Framework expressly states:

Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The Council recognise the need to maintain an up to date evidence base which is set out in their adopted Playing Pitch and Outdoor Sports Strategy (PPOSS). The Council's draft policy SHW5 reflects the need to use that information to protect playing fields to meet their identified needs, and this reflects national policy in para 103 of the Framework.

The PPOSS was prepared by specialist sports consultants KKP on the Council's behalf in line with Sport England's Playing Pitch Strategy Guidance : https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance

The PPOSS contains the following findings and recommendations that are relevant to Lion Farm:

PPOSS Assessment Report (October 2022) :

- Pitch quality is an issue in Sandwell. Of the 139 grass football pitches in Sandwell that are available for community use, 83 (60%) are reported to be poor quality (page 14). This includes the pitches at Lion Farm playing fields.
- Lion Farm site was identified as a priority site for pitch improvements in the Local Football Facility Plan (page 16)
- The ancillary facilities at Lion Farm are also reported to be poor quality (page 19). The provision at Lion Farm includes existing changing rooms and car parking.
- There is a high demand for football pitches across Sandwell and in the Oldbury sub area, with a reported 97 teams in Oldbury equating to 28% of the overall demand across Sandwell. There is likely to have been further teams growth across Sandwell and within Oldbury since the PPOSS was prepared. For instance, Sport England are aware of recent growth from clubs such as Oldbury Utd and Starz Academy in the Oldbury area.
- The PPOSS reports there to be projected increased demand from population growth across Sandwell (see table 2.9 and 2.10). This relates to growth in demand for adult and youth 11v11 pitches.
- The Lion Farm site is currently reported to be played to capacity at peak times (Table 2.13).
- There is a reported shortfall of supply to meet demand for adult pitches across Sandwell of 17 Match Equivalent Sessions (MES) (see table 2.19 on page 32). Within Oldbury, there is a reported shortfall of 5.5 MES, and with future population growth this will be expected to become a shortfall of 6 MES in the future.
- Across Sandwell, there are also reported shortfalls for youth 11v11, youth 9v9 and mini 7v7 pitches. Across Oldbury, there are also reported shortfalls of capacity for youth 9v9 and mini 7v7 pitches.

PPOSS Strategy and Action Plan (October 2022):

- Part 3 sets the aims of the strategy. Aim 1 is to protect the existing supply of outdoor sports facilities where it is needed to meet current and future needs (page 10)
- Table 4.12 considers the theoretical scenario of improving certain poor quality pitches, including Lion Farm to build additional capacity. Table 4.13 sets out that even where several poor quality pitches were to be improved to good quality, there would still be an overall shortfall of capacity across Sandwell.
- Table 4.15 is clear that when the LFFP is to be updated, the Lion Farm site and several others should be retained as a priority for pitch quality improvements.
- Page 20-21 sets out a series of specific recommendations for football. These include, protecting existing quantity of pitches, including lapsed and disused provision, until all demand is met (unless replacement provision meets Sport England's requirements and is agreed and provided – we have explained that in our view this cannot be achieved at the sites proposed by the Council). The football recommendations of the PPOSS also include a range of measures to enhance provision for football including improving pitch quality, improving ancillary provision etc.
- The Action Plan reports the site under site ID 50 (page 65) as follows: there are 11 existing poor quality adult football pitches that are played to capacity at peak time. The recommendations are to protect the site, to improve pitch quality and ancillary quality in line with LFFP recommendations. The PPOSS also states that if the site is to be lost to ensure that appropriate mitigation takes place in line with the Framework and Sport England's Playing Fields Policy. The proposed allocation being put forward fails to demonstrate this.

Overall Summary and Conclusion

The PPOSS clearly identifies that the site is important to meet existing and future needs for football. The loss of the site (or part of the site), without equitable or better replacement would have a significant detrimental impact on capacity for adult football within Sandwell, where there are already capacity shortfalls.

There is a particular shortfall of adult and youth 11v11 pitches in Oldbury. The mitigation being put forward would not help meet the need in Oldbury as all the sites identified are in Wednesbury and West Bromwich, and 7 of the 8 sites could not accommodate adult pitches (and the provision of adult football pitches at Lightwoods Park would displace an existing non-turf cricket pitch).

The Lion Farm site is particularly valuable for football as it contains multiple pitches that are used by a local adult football league whose demand would likely be displaced by the proposed development. Lion Farm is the single largest playing field site in Sandwell in terms of the number of football pitches that are provided at a single site. This makes it an attractive site for users and brings benefits in terms of management and maintenance of pitches across a single site. The site is in an accessible location to users in the Oldbury area. The site should be protected from development and improved in line with the PPOSS to help meet identified existing and future needs, in line with para 102 of the NPPF.

The proposed allocation should be withdrawn from the proposed Local Plan since there is significant doubt that the allocation is deliverable, given Sport England's likely Statutory objection to any future planning application. The allocation is also unsound on the basis that it's in

conflict with national policy in para 103 of the NPPF, draft policy SW5 and Sport England's Playing fields policy, since the Council cannot demonstrate that there are deliverable proposals to mitigate the loss of playing field that would accord with these policies (to be equitable or better in quantity and quality in a suitable location). We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents.

SM2 (SA199) Lion Farm, Oldbury -

At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

The Council's response to Reg 18 consultation document states work is underway to identify replacement provision in suitable locations, if this cannot be found, the allocation will be amended or deleted in full.

This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblett's Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

Sport England therefore strongly objects to the proposed allocation at Lion Farm playing

Full text:

Appendix B, Mixed use allocations - SM2 (SA199) Lion Farm, Oldbury and policy SHW5

The Council's position

Mixed use allocation SM2 (SA199) – The further information text to this mixed use allocation states as follows:

Site assessment found It is considered that a mix of residential and employment uses could be accommodated on this site. Net loss of the existing sports pitches could be avoided (nb this option is strongly caveated by the ability to relocate 6 pitches to the southern part of the borough) Sufficient community open space can be provided.

Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblett's Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

A Masterplan will be prepared for the site, which will include a strategy for responding to National Grid overhead transmission lines and underground cables present within the site.

The development will be developed with the following site-specific criteria:

YJ ROUTE: 275Kv Overhead Transmission Line route: KITWELL - OCKER HILL 275Kv Underground Cable route: KITWELL 275KV S/S

A strategy for responding to the NGET overhead transmission lines present within the site which demonstrates how the NGET Design Guide and Principles have been applied at the masterplanning stage and how the impact of the assets has been reduced through good design. SHW5 – Playing Fields and sports facilities – Paragraphs 6.67-6.68 of the justification sets out the following, repeating the same list of possible mitigation sites as referenced in the above proposed allocation:

The proposed reallocation of Lion Farm to deliver housing and employment development will result in the loss of several extant playing pitches currently in use at the site. These will be replaced, and where required the remaining pitches and facilities on site upgraded, prior to the commencement of any development on site.

The locations that have been identified as having capacity to provide potential replacement pitches are:

Lightwoods Park - 2 X full size pitches
 Balls Hill Open Space, Chester Road/Surrey Crescent Site - 1 pitch
 Black Patch Park - 2 x junior pitches
 Hill Top Park Site - 2x full size and 1 x junior pitch
 Brooklands Open Space, Brooklands site - 2 x full size and 1 x junior pitch
 Marl Hole Park, Hamblett's Eoad Site - 1 x full size pitch
 Radcliffe Park, Ebenezer Street Site - 1 x junior pitch
 Playing Field, Bilston Road Site - 1 x full size pitch or 2 x junior pitches

Evidently, the Council recognises that the existing playing field at Lion Farm has not, and cannot, be demonstrated to be surplus to requirements for sport to meet with part 1a) of draft policy SHW5, paragraph 103a) of the Framework, and exception E1 of Sport England's Playing Fields Policy. Sport England agrees that the Lion Farm site cannot be agreed to be surplus to requirements for sport. In putting forward the above list of possible mitigation sites, the Council is seeking to demonstrate that equitable or better replacement playing field provision could be provided to meet with part 1b) of draft policy SHW5, and paragraph 103b) of the Framework. Exception E4 of Sport England's playing fields policy is also relevant.

The Lion Farm playing fields

The playing field site comprises approximately 14.3 hectares of land that is laid out to provide 11 adult grass football pitches. There is also a bowls green, a large ancillary building providing changing rooms and ancillary car parking. There is an electricity pylon on part of the site that practically constrains parts of the playing field land from being laid out to provide further pitches. Nonetheless, the large expanse of playing field allows for pitches to be marked out in different configurations to meet local needs. There is a long history of the site being used for grassroots football.

Sport England has analysed the 8 proposed mitigation sites listed and concludes that these sites, individually and collectively, fall significantly short of meeting the relevant policy criteria for the reasons explained below:

Lightwoods Park, B67 5EU

No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Lightwoods Park would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate two adult pitches. It is unclear if the site could accommodate two full size pitches due to various constraints, including proximity to existing trees, neighbouring rear gardens and the A456, which would be likely to require high ball stop fencing along a prominent frontage to maintain balls within the field play. A full-size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall). In our view, two full size pitches would be a very tight fit.
- In addition, the site already contains a non-turf cricket pitch (in good condition) (see Figure 2) in the northern part of the site, which practically constrains the capacity for adult football pitches to be provided in its existing location. This cricket pitch was recently added to the park which indicates that the Council does not consider this a priority location for provision of adult football pitches.

Figure 3 : Existing non-turf cricket pitch in Lightwoods Park

- The presence of the existing cricket pitch with its use for cricket means that this is existing playing field land. There is also some evidence that playing pitches have been marked out on the land previously (see Figure 4 from October 2003). This site would therefore not provide replacement quantity of playing field since the land is already playing field.
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users for adult football.

Is the site in a suitable location?

- The site is approximately 4.5km (as the crow flies) from the proposed allocation at Lion Farm, with Lightwoods Park being located in Smethwick sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Lightwoods Park is an important community public open space that is used for a broad range of open space functions, which includes a travelling fairground use from time to time and various other activities on this land.

Summary

Lightwoods Park is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. Provision of adult football pitches could displace the recently implemented non-turf cricket pitch.

Balls Hill open space, Chester Road Surrey Crescent site, B71 2NQ

• No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Balls Hill open space would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate one pitch. In practice, the site is only large enough for 1 mini football pitch which would not mitigate the loss of adult pitches at Lion Farm. A full size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall). An adult pitch could only be accommodated with major re-modelling of the open space including significant tree removal etc
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users for adult football.

Is the site in a suitable location?

- The site is approximately 5.7km (as the crow flies) from the proposed allocation at Lion Farm, with Balls Hill open space being located in Wednesbury sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Balls Hill open space is a relatively small local community park containing children's play equipment and an outdoor gym. The area of land in question is currently laid out to provide an informal kickabout space and so currently fulfils an alternative open space function to meet local needs. This would be lost to accommodate a playing pitch.
- There is a large multi pitch playing field nearby to the north at Hydes Road which is likely to be more attractive to pitch users as there are more pitches and more facilities available. Whilst Hydes Road currently has poor quality changing room facilities the Council have allocated funds to improve these. In practice, Balls Hill is therefore unlikely to be in demand for the provision of pitches, and would be better retained as a public open space as existing.

Summary

- Balls Hill open space is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. The park is an important local public open space and should be retained as such.

Black Patch Park, B66 2LL

• No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Black Patch Park would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate two full size and one junior pitch. Sport England considers that the site is not large enough to accommodate these pitches. We consider that two adult pitches could only be accommodated with major re-modelling of the open space including significant tree removal etc. The provision of junior pitches would not equitably mitigate the loss of adult pitches at Lion Farm. A full size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall).
- There is evidence that the site has been used to provide playing pitches previously and so constitutes disused playing field (see image below). This would therefore not provide equitable replacement quantity since the land is already playing field.
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users. The site has contained ancillary facilities previously however these were vandalised. The site lacks good natural surveillance being within a predominantly industrial area, which makes such facilities vulnerable to such problems re-occurring.

Is the site in a suitable location?

- The site is approximately 5.6km (as the crow flies) from the proposed allocation at Lion Farm, with Black Patch Park open space being located in Smethwick sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Summary

- Black Patch Park is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. The site constitutes existing playing field and so will not provide any quantitative replacement, and whilst the site has some potential to be brought back into use, the lack of ancillary facilities makes this unattractive to users. The site is also too small to accommodate adult pitches.

Hill Top Park, B70 0RZ

• No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Hill Top Park would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.

- The Council consider that the site could accommodate two adult pitches and one junior pitch. Sport England consider that in practice there is insufficient space to accommodate these pitches. There are two grassed plateaus, the central plateau is existing playing field accommodating an existing non-turf (artificial) cricket pitch. This area could only accommodate a youth sized pitch (9v9), and this would then displace the existing cricket pitch. The eastern lower plateau is smaller and can only accommodate a mini football pitch (5v5). The provision of junior pitches would not equitably mitigate the loss of adult pitches at Lion Farm. A full size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall). An adult pitch could only be accommodated with major re-modelling of the open space including tree removal, re-profiling the levels etc.
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users.

Is the site in a suitable location?

- The site is approximately 5.1 km ((as the crow flies) from the proposed allocation at Lion Farm, with Hill Top Park being located in Wednesbury sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Hill Top Park is a relatively small local community park containing children's play equipment, outdoor gym and a MUGA. The area of land in question is currently laid out to provide an existing cricket pitch so there is no meaningful capacity to provide additional pitches without losing the other open space functions of the park.

Summary

Hill Top Park is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. The site, in part, constitutes existing playing field and so will not provide any quantitative replacement. The lack of ancillary facilities makes this unattractive to users. Its is also too small to accommodate adult pitches and would displace an existing cricket pitch to accommodate any provision for football.

Brooklands open space, WS5 4HU

- No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Brooklands open space would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate two adult pitches and one junior pitch. Sport England consider that in practice there is insufficient space to accommodate these pitches. There is one existing pitch located in the north west portion of the site so this constitutes existing playing field. The area of open space to the south of adjoining residential properties is practically constrained by a lack of sufficient space to accommodate adult pitches of sufficient width to meet FA recommended pitch dimensions. A full size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall). In theory, there may be sufficient space to accommodate youth 9v9 or mini football pitches, however this would likely require long sections of ball stop fencing to be erected to protect residential properties from damage, which may be resisted locally as this could be perceived to be detrimental to the amenity/outlook of the residential area. The provision of junior pitches would not equitably mitigate the loss of adult pitches at Lion Farm.
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users.

Is the site in a suitable location?

- The site is approximately 8.2km (as the crow flies) from the proposed allocation at Lion Farm, with Brooklands open space being located in Wednesbury sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Brooklands open space already contains one pitch and so this could not be deemed replacement provision. The remainder of the open space forms an important open space function for residents.

Summary

Brooklands open space is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. The site, in part, constitutes existing playing field and so will not provide any quantitative replacement. The lack of ancillary facilities makes this unattractive to users. The site is also too small to accommodate adult pitches and the provision of junior pitches would not be possible without installing significant lengths of ball stop fencing to protect existing residential properties to the detriment of the visual amenity of the area. The site is therefore unsuitable for the provision of replacement playing field.

Marl Hole Park, B70 9NT

- No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Marl Hole Park would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- Council consider that the site could accommodate a full size pitch. Sport England considers that in practice there is insufficient space to fit in an adult pitch without significant tree removal, with the open space being particularly constrained by a lack of width due to the location of the woodland areas, such that there is only sufficient space for a mini football pitch. A full size football pitch is 100m x 64m plus 3m run-off to meet FA recommended pitch sizes (so 106m x 70m overall). There is only sufficient space to accommodate a mini football pitch. The provision of a mini pitch would not equitably mitigate the loss of adult pitches at Lion Farm.

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- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users.

Is the site in a suitable location?

- The site is approximately 2.8km (as the crow flies) from the proposed allocation at Lion Farm, with Marl Hole Park being located in West Bromwich sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Marl Hole Park is a relatively small neighbourhood park that provides a relatively modest kickabout area as part of the open space to the west of the woodland. There is a footpath around the western edge of the open space, with a cross fall of ground level from east to west. The park appears to form an important open space function for residents.

Summary

Marl Hole Park is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. There is insufficient space, without extensive tree removal and remodelling of the land to accommodate anything larger than a mini football pitch..The site is also too small to accommodate adult pitches. The lack of ancillary facilities makes this unattractive to users The site is therefore unsuitable for the provision of replacement playing field.

Radcliffe Park, Ebenezer Street, B70 0EF

- No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Ratcliffe Park would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate a junior pitch. Sport England considers that in practice there is insufficient space to fit in anything larger than a 5v5 mini football pitch. The provision of a mini pitch would not equitably mitigate the loss of adult pitches at Lion Farm.
- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users.

Is the site in a suitable location?

- The site is approximately 4.6km (as the crow flies) from the proposed allocation at Lion Farm, with Ratcliffe Park being located in Wednesbury sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Ratcliffe Park is a relatively small neighbourhood park that provides a relatively modest kickabout area as part of the open space, together with children's play equipment etc. The park appears to form an important open space function for residents.

Summary

Ratcliffe Park is incapable of providing equitable or better provision in quantity and quality, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. There is insufficient space to accommodate anything larger than a mini football pitch. The site is also too small to accommodate adult pitches. The lack of ancillary facilities makes this unattractive to users The site is therefore unsuitable for the provision of replacement playing field.

Bilston Road, WS10 7JD

- No plan of the site is included to delineate the area of land intended to be used for replacement playing pitches. Sport England has assumed that the land in question is the area shown in the image below:

Does the site provide equitable or better provision in Quantity and Quality?

- There is no agronomy assessment nor any feasibility study by a sports turf expert to assess the quality of the site to accommodate playing pitches. The Council have not provided any analysis to demonstrate how the area of land at Bilston Road would be capable of providing equitable or better playing field in quantity and quality, relative to the loss of playing field at Lion Farm, in accordance with the policy criteria.
- The Council consider that the site could accommodate one full size pitch or 2 junior pitches. Sport England considers that in practice there is insufficient space to fit in anything larger than a mini football pitch. This is due to the location of the existing multi use games area in the central part of the site which looks to be in good condition and presumably well used. Even if the MUGA were to be removed, we would question whether the site warrants the investment required to create only one replacement adult pitch. The site is constrained by significant

gradient changes across the site and would require significant engineering works to re-profile the land to provide a suitable plateau for a replacement pitch.

- There is a lack of any ancillary facilities including no changing rooms and no off-road car parking at the site. In the absence of such facilities, the site is unlikely to be attractive to users.

Is the site in a suitable location?

- The site is approximately 7km (as the crow flies) from the proposed allocation at Lion Farm, with Bilston Road being located in Wednesbury sub area, whereas Lion Farm is in Oldbury sub area (as set out in the Council's Playing Pitch and Outdoor Sports Strategy). This is not deemed to be a suitable replacement location to serve demand in Oldbury.

Other comments

- Bilston Road is a relatively small neighbourhood park that provides a relatively modest kickabout area as part of the open space, together with children's play equipment and the MUGA etc. The park appears to form an important open space function for residents, and the loss of the MUGA in good condition would be have a negative impact in order to accommodate one replacement pitch.

Summary

Bilston Road is incapable of providing equitable or better provision in quality and quantity, and does not provide a suitable location for replacement playing field provision, relative to the loss at Lion Farm. There is insufficient space to accommodate anything larger than a mini football pitch. The site is also too small to accommodate adult pitches without the loss of the MUGA and significant engineering works to re-profile the site. The lack of ancillary facilities makes this unattractive to users. The site is therefore unsuitable for the provision of replacement playing field.

Summary analysis of the eight proposed mitigation sites

For the various reasons explained in the sections above, none of the sites put forward are capable of meeting the relevant policy criteria in draft policy SHW5, paragraph 103 of the Framework or Sport England's Playing Fields policy.

None of the sites, either singularly or collectively, have been demonstrated to be capable of providing equitable or better provision of playing field in quantity or quality.

The Council have not undertaken any technical assessments/feasibility analysis by a suitably qualified sports turf expert to evidence their position in respect of the capacity of these 8 sites to provide playing pitches, and to present their analysis of why they consider these sites are capable of providing equitable or better provision in a suitable location to the loss at Lion Farm, (which we estimate would equate to a loss of 6-7 adult football pitches depending on the extent of land proposed for the allocation), together with access to ancillary changing and off-road car parking facilities.

Sport England have explained that all the sites, perhaps with the exception of Lightwoods Park, are incapable of accommodating adult pitches. Even Lightwoods Park may be challenging to accommodate adult pitches without considering the potential need for ball stop fencing to prevent balls from leaving the field of play into the A456.

Given the loss of playing field at Lion Farm currently provides adult pitches, we do not consider that the provision of youth and mini football pitches at the proposed mitigation sites could not be considered to meet this policy criteria of being equitable or better in quality and quantity.

In some cases, the mitigation being put forward constitutes existing playing field land, and the case of Lightwoods Park and Hill Top Park would displace existing non turf cricket pitches. Displacing these pitches would be a further negative impact.

In the case of Bilston Road, this would displace an existing Multi Use Games Area, a further negative impact.

Areas of land at Lightwoods Park, Black Patch Park and Brooklands contain either disused playing field, having been laid out with playing pitches in the past, or are currently laid out to provide grass pitches for football.

None of the identified mitigation sites have any existing ancillary changing rooms, nor any off-road car parking, and many of the sites would seem incapable of being able to accommodate such provision. In the absence of such provision the sites would likely be unattractive to users.

None of the sites are located close to the Lion Farm site, and none of the identified sites are located in the Oldbury sub area. They are either in the Wednesbury or West Bromwich sub areas, several kilometres away, and so are not considered to be in a suitable location to meet the policy criteria. The users of the Lion Farm site would be unlikely to see these sites as suitable alternatives given the geographical location away from the Oldbury sub area.

Several of the sites contain existing informal kickabout spaces that serve an important open space function that would be lost to accommodate any proposed pitches. The loss of open space for other functions would also need to be considered.

Lack of suitable alternative sites

It is Sport England's view that the Council have exhausted all opportunities within Sandwell area to identify suitable sites to mitigate the proposed loss of playing field land at Lion Farm.

If there were better and more appropriate alternative sites to the 8 suggested sites identified in the policy allocation, they would have included them, but they have not done so, since such suitable alternative sites for replacement playing provision cannot be identified by the Council.

Sport England is unaware of any suitable alternative sites.

Evidence of need to protect the site for existing and future demand for football

Para 102 of the Framework expressly states:

Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments

should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The Council recognise the need to maintain an up to date evidence base which is set out in their adopted Playing Pitch and Outdoor Sports Strategy (PPOSS). The Council's draft policy SHW5 reflects the need to use that information to protect playing fields to meet their identified needs, and this reflects national policy in para 103 of the Framework.

The PPOSS was prepared by specialist sports consultants KKP on the Council's behalf in line with Sport England's Playing Pitch Strategy Guidance : https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance

The PPOSS contains the following findings and recommendations that are relevant to Lion Farm:

PPOSS Assessment Report (October 2022) :

- Pitch quality is an issue in Sandwell. Of the 139 grass football pitches in Sandwell that are available for community use, 83 (60%) are reported to be poor quality (page 14). This includes the pitches at Lion Farm playing fields.
- Lion Farm site was identified as a priority site for pitch improvements in the Local Football Facility Plan (page 16)
- The ancillary facilities at Lion Farm are also reported to be poor quality (page 19). The provision at Lion Farm includes existing changing rooms and car parking.
- There is a high demand for football pitches across Sandwell and in the Oldbury sub area, with a reported 97 teams in Oldbury equating to 28% of the overall demand across Sandwell. There is likely to have been further teams growth across Sandwell and within Oldbury since the PPOSS was prepared. For instance, Sport England are aware of recent growth from clubs such as Oldbury Utd and Starz Academy in the Oldbury area.
- The PPOSS reports there to be projected increased demand from population growth across Sandwell (see table 2.9 and 2.10). This relates to growth in demand for adult and youth 11v11 pitches.
- The Lion Farm site is currently reported to be played to capacity at peak times (Table 2.13).
- There is a reported shortfall of supply to meet demand for adult pitches across Sandwell of 17 Match Equivalent Sessions (MES) (see table 2.19 on page 32). Within Oldbury, there is a reported shortfall of 5.5 MES, and with future population growth this will be expected to become a shortfall of 6 MES in the future.
- Across Sandwell, there are also reported shortfalls for youth 11v11, youth 9v9 and mini 7v7 pitches. Across Oldbury, there are also reported shortfalls of capacity for youth 9v9 and mini 7v7 pitches.

PPOSS Strategy and Action Plan (October 2022):

- Part 3 sets the aims of the strategy. Aim 1 is to protect the existing supply of outdoor sports facilities where it is needed to meet current and future needs (page 10)
- Table 4.12 considers the theoretical scenario of improving certain poor quality pitches, including Lion Farm to build additional capacity. Table 4.13 sets out that even where several poor quality pitches were to be improved to good quality, there would still be an overall shortfall of capacity across Sandwell.
- Table 4.15 is clear that when the LFFP is to be updated, the Lion Farm site and several others should be retained as a priority for pitch quality improvements.
- Page 20-21 sets out a series of specific recommendations for football. These include, protecting existing quantity of pitches, including lapsed and disused provision, until all demand is met (unless replacement provision meets Sport England's requirements and is agreed and provided – we have explained that in our view this cannot be achieved at the sites proposed by the Council). The football recommendations of the PPOSS also include a range of measures to enhance provision for football including improving pitch quality, improving ancillary provision etc.
- The Action Plan reports the site under site ID 50 (page 65) as follows: there are 11 existing poor quality adult football pitches that are played to capacity at peak time. The recommendations are to protect the site, to improve pitch quality and ancillary quality in line with LFFP recommendations. The PPOSS also states that if the site is to be lost to ensure that appropriate mitigation takes place in line with the Framework and Sport England's Playing Fields Policy. The proposed allocation being put forward fails to demonstrate this.

Overall Summary and Conclusion

The PPOSS clearly identifies that the site is important to meet existing and future needs for football. The loss of the site (or part of the site), without equitable or better replacement would have a significant detrimental impact on capacity for adult football within Sandwell, where there are already capacity shortfalls.

There is a particular shortfall of adult and youth 11v11 pitches in Oldbury. The mitigation being put forward would not help meet the need in Oldbury as all the sites identified are in Wednesbury and West Bromwich, and 7 of the 8 sites could not accommodate adult pitches (and the provision of adult football pitches at Lightwoods Park would displace an existing non-turf cricket pitch).

The Lion Farm site is particularly valuable for football as it contains multiple pitches that are used by a local adult football league whose demand would likely be displaced by the proposed development. Lion Farm is the single largest playing field site in Sandwell in terms of the number of football pitches that are provided at a single site. This makes it an attractive site for users and brings benefits in terms of management and maintenance of pitches across a single site. The site is in an accessible location to users in the Oldbury area. The site should be protected from development and improved in line with the PPOSS to help meet identified existing and future needs, in line with para 102 of the NPPF.

The proposed allocation should be withdrawn from the proposed Local Plan since there is significant doubt that the allocation is deliverable, given Sport England's likely Statutory objection to any future planning application. The allocation is also unsound on the basis that it's in conflict with national policy in para 103 of the NPPF, draft policy SW5 and Sport England's Playing fields policy, since the Council cannot demonstrate that there are deliverable proposals to mitigate the loss of playing field that would accord with these policies (to be equitable or better in quantity and quality in a suitable location). We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents.

Sport England therefore strongly objects to the proposed allocation at Lion Farm playing

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Housing Allocations

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

SH43 (SA166) Land off Tanhouse Avenue, Great Barr -

At Reg 18 stage Sport England made the following representation : "The site includes an area of disused playing field that has previously been delineated to provide a football pitch. The proposed allocation does not reference this, and does not identify the need to mitigate the loss of the playing field in line with para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy, and so we object to this proposed allocation. To address this, either the proposed allocation should be deleted, or additional text be added to make it clear that the proposed allocation can only come forward subject to addressing the loss of former playing field in line with the above policies."

The Council's response to Reg 18 consultation document states the allocation does not include the disused playing field. Additional information will be added to the further information column stating that any proposal will need to allow for access to the playing field.

Sport England disputes the Council's view that the proposed allocation does not constitute disused playing field land. This is evident from google earth aerial imagery as shown in the attached document. The image shown from October 2003 clearly shows there to be a football pitch marked out. There has been no material change of use of the land since that time, and planning permission would not be required to cut the grass etc and mark out a pitch for re-use as playing field. Sport England is therefore of the view that the further information wording requiring access to be retained to the adjoining playing field to east is insufficient, and that there is also a need to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. As it stands, Sport England considers the allocation to be unsound as it is not in accordance with national policy that protects playing fields. To address this, it will be necessary to make it clear that the site can only be developed where there is provision to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. The Council have not put forward any such proposals. Alternatively, the allocation should be withdrawn from the plan.

Full text:

Appendix B – Housing Allocations

SH43 (SA166) land off Tanhouse Avenue, Great Barr

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Housing Allocations

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

SH34 (SA79) Brandhall Golf Course -

At Reg 18 stage Sport England made the following representation: "The allocation references an existing planning application for redevelopment of the site, for which Sport England have objected. We recognise that there is no longer a need to retain the 18 hole municipal course, but take the view that mitigation should be secured to make qualitative improvements to the existing golf course facility at Warley Woods in line with the findings and recommendations of the PPOSS 2022. We understand that a planning condition has been included to secure this mitigation. To address this, we would recommend that an appropriate reference be added to the allocation regarding securing an appropriate the off-site contribution towards golf".

The Council's response to Reg 18 consultation document states that no change is proposed to the allocation wording on the basis that the planning condition was secured in respect of the planning application and that there are policies in the plan that refer to the loss of sports facilities.

Sport England remains of the view that the allocation should make reference to mitigating the loss of the golf course. The existing planning consent, whilst currently extant, may not be implemented. It is important that the policy allocation recognises the need to mitigate the loss of the existing sports facility to accord with draft policy SHW5 and para 103 of the NPPF. Sport England's objection could be addressed by adding the words "the loss of the disused golf course will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

Full text:

SH18 (SA55) Friar Park (STW/SMBC land), Wednesbury -

At Reg 18 stage Sport England made the following representation: "Sport England recognises that the allocation does make reference to mitigating the loss of playing pitches in line with the PPOSS/Action Plan, but objects to this being subject to viability testing, since there is no relevant exception criteria for viability testing in para 99 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance. To address, this we recommend that the reference to viability testing be removed."

The Council's response to Reg 18 consultation document sets out "Comments noted, do not need to amend as there are policies in place with regards to playing pitch replacement. Sandwell Council will continue to engage with Sport England in relation to this matter"

Sport England notes that Appendix 2 maintains the following reference "Playing Pitches on site - subject to demonstration of viability, reinstatement should be made in accordance with the PPOSS/Action Plan 2023"

Sport England continues to object to the maintained reference to only mitigating the loss of playing field where it is viable to do so, since there is no exception criteria in para 103 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance in respect of viability. Since this wording does not accord with national policy, as drafted the policy allocation is considered to be unsound. This objection could be addressed by removing the words "subject to demonstration of viability", suggested replacement wording as follows "Any loss of playing field will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

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The Council's response to Reg 18 consultation document states that no change is proposed to the allocation wording on the basis that the planning condition was secured in respect of the planning application and that there are policies in the plan that refer to the loss of sports facilities.

Sport England remains of the view that the allocation should make reference to mitigating the loss of the golf course. The existing planning consent, whilst currently extant, may not be implemented. It is important that the policy allocation recognises the need to mitigate the loss of the existing sports facility to accord with draft policy SHW5 and para 103 of the NPPF. Sport England's objection could be addressed by adding the words "the loss of the disused golf course will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

SH43 (SA166) Land off Tanhouse Avenue, Great Barr -

At Reg 18 stage Sport England made the following representation : "The site includes an area of disused playing field that has previously been delineated to provide a football pitch. The proposed allocation does not reference this, and does not identify the need to mitigate the loss of the playing field in line with para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy, and so we object to this proposed allocation. To address this, either the proposed allocation should be deleted, or additional text be added to make it clear that the proposed allocation an only come forward subject to addressing the loss of former playing field in line with the above policies."

The Council's response to Reg 18 consultation document states the allocation does not include the disused playing field. Additional information will be added to the further information column stating that any proposal will need to allow for access to the playing field.

Sport England disputes the Council's view that the proposed allocation does not constitute disused playing field land. This is evident from google earth aerial imagery as shown in the attached document. The image shown from October 2003 clearly shows there to be a football pitch marked out. There has been no material change of use of the land since that time, and planning permission would not be required to cut the grass etc and mark out a pitch for re-use as playing field. Sport England is therefore of the view that the further information wording requiring access to be retained to the adjoining playing field to east is insufficient, and that there is also a need to mitigate the loss of playing

field in accordance with draft policy SHW5 and para 103 of the Framework. As it stands, Sport England considers the allocation to be unsound as it is not in accordance with national policy that protects playing fields. To address this, it will be necessary to make it clear that the site can only be developed where there is provision to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. The Council have not put forward any such proposals. Alternatively, the allocation should be withdrawn from the plan.

SM2 (SA199) Lion Farm, Oldbury -

At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

The Council's response to Reg 18 consultation document states work is underway to identify replacement provision in suitable locations, if this cannot be found, the allocation will be amended or deleted in full.

This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

- Lightwoods Park
- Balls Hill Open Space, Chester Road Surrey Crescent Site
- Black Patch Park
- Hill Top Park Site
- Brooklands Open Space, Brooklands Site
- Marl Hole Park, Hamblett's Road Site
- Ratcliffe Park, Ebenezer Street Site
- Playing Field, Bilston Road Site

Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

Change suggested by respondent:

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- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: Housing Allocations

Respondent: Sport England (Mr Stuart Morgans, Planning Manager) [29]

Date received: 08/11/2024 via Email

Summary:

SH43 (SA166) Land off Tanhouse Avenue, Great Barr -

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At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

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This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

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Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Swifts Local Network: Swifts & Planning Group (Mr Michael Priaulx, Chair) [188]

Date received: 09/11/2024 via Web

Summary:

Please amend Policy SNE2 from "11. All major development ..." to:

"11. All developments including extensions...".

This is because Policy SNE2 and paragraph 4.27 are welcome as they support swift bricks, but the wording is currently not sound as the restriction of the requirement to major developments is not effective nor consistent with national planning policy guidance NPPG 2019 Natural Environment paragraph 023 which highlights the value of swift bricks to developments generally, and does not mention any limitation to major developments, especially important as swift bricks are excluded from BNG metric so will not be provided through that route.

Full text:

Please amend Policy SNE2 from "11. All major development ..." to:

"11. All developments including extensions...".

This is because Policy SNE2 and paragraph 4.27 are welcome as they support swift bricks, a permanent nest site provision which is supported by national planning policy guidance, but the wording is currently not sound as the restriction of the requirement to major developments is not effective nor consistent with national planning policy guidance NPPG 2019 Natural Environment paragraph 023 which highlights the value of swift bricks to developments generally, and does not mention any limitation to major developments, especially important as swift bricks are excluded from the Biodiversity Net Gain metric so will not be provided through that route.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18, my comments were partly included but limited to major developments.

Appear exam: Not specified

Attachments: None

1447

Comment

Document Element: Justification

Respondent: Swifts Local Network: Swifts & Planning Group (Mr Michael Priaulx, Chair) [188]

Date received: 09/11/2024 via Web

Summary:

Policy SNE2 and paragraph 4.27 are welcome as they support swift bricks, but wording is currently not sound as not effective due to one error - swallows do not use swift bricks so should be removed from the list of species.

Full text:

Policy SNE2 and paragraph 4.27 are welcome as they support swift bricks, but wording is currently not sound as not effective due to one error - swallows do not use swift bricks so should be removed from the list of species.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

Document Element: Justification

Respondent: Swifts Local Network: Swifts & Planning Group (Mr Michael Priaulx, Chair) [188]

Date received: 11/11/2024 via Web

Summary:

Please amend paragraph 4.27 from "Best practice guidance on their installation and use can be found in BS 42021." to "Best practice guidance on their installation and use should be followed, and can be found in BS 42021."

This is because paragraph 4.27 is welcome as it supports swift bricks - a permanent universal nest brick supported by national planning policy guidance, but the wording is not currently sound as it's not effective due to a lack of clarity - there must be a clear requirement to follow best practice guidance to ensure suitable numbers and locations of swift bricks.

Full text:

Please amend paragraph 4.27 from "Best practice guidance on their installation and use can be found in BS 42021." to

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Regulation 18 stage, but I don't believe my previous comments have been included clearly.

Appear exam: Not specified

Attachments: None

Document Element: Priorities for the Development of the Transport Network

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

Summary:

We have a few suggestions on the wording within the Draft Local Plan, for SMBC's consideration:

- Para 11.19 refers to 'investigating' road space reallocation where physical constraints permit. This should be strengthened beyond investigation to give a strong commitment to the principle.
- Para 11.22 deals with Park and Ride. Reference should be made to providing good accessibility of Park & Ride sites by cycling, with secure cycle parking facilities, as this is in line with the wider transport principles of the plan.

Full text:

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Many of the transport proposals referenced will assist in delivering wider economic growth aspirations including providing 42 hectares of employment land as well as supporting 10,434 new homes in the borough, together with continuing to help reduce the transport's impacts on people and places including supporting rapid decarbonisation. We would therefore like to continue this strong partnership working in delivering on both WMLTP5 outcomes and in shaping the transport elements contained within the Draft Sandwell Local Plan.

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Shared Mobility

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Summary

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Cycling and Walking Networks

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

Summary:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Regeneration Areas

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

Summary:

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Full text:

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Document Element: Priorities for the Development of the Transport Network

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

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Sound: Not specified

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Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR3 – Managing Transport Impacts of New Development

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

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Summary

Overall TfWM are supportive of the approach set out in the Draft Local Plan document and the ambition to improve connectivity via public transport and active travel infrastructure in Sandwell.

TfWM look forward to continuing to work with Sandwell Council on the development of the new Sandwell Local Plan and delivering improvements to transport through the LTP and Black Country AAP.

Change suggested by respondent:

- A policy explicitly encouraging housing development around existing or planned railway stations and metro stops would be welcome.

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy STR4 – The Efficient Movement of Freight and Logistics

Respondent: TfWM (Mr Gurdip Nagra, Principal Planning and Land Use Officer) [285]

Date received: 23/10/2024 via Email

Summary:

Page 331 Policy STR4

- Amend 5. to read “Existing and disused railway lines and sidings will be safeguarded for rail-related uses”.
- Amend 7. to read “Existing and proposed rail depots and train stabling facilities will be safeguarded.
- Add Policy 9. “Proposals to address rail network capacity bottlenecks between the West Midlands and Crewe will be supported”

Full text:

Thank you for inviting comments on the Sandwell Local Plan Consultation: Regulation 19 stage following our previous response to the Issues and Options Consultation in March 2023. This letter represents a response from Transport for West Midlands (TfWM), the transport arm of the West Midlands Combined Authority (WMCA) which is the region’s Local Transport Authority.

Overall, we support this plan with many of the proposals referenced, fully assisting with the West Midlands Combined Authority (WMCA) goals and aspirations as well as those within the agreed Core Strategy of the new West Midlands statutory Local Transport Plan (WMLTP5). We especially welcome the positive ambition for improving transport within Sandwell, which outlines new opportunities within the coming years, and its bold intent for improving the transport system.

Many of the transport proposals referenced will assist in delivering wider economic growth aspirations including providing 42 hectares of employment land as well as supporting 10,434 new homes in the borough, together with continuing to help reduce the transport’s impacts on people and places including supporting rapid decarbonisation. We would therefore like to continue this strong partnership working in delivering on both WMLTP5 outcomes and in shaping the transport elements contained within the Draft Sandwell Local Plan.

Our response to Sandwell’s Draft Local Plan has been primarily shaped around the emerging WMLTP5 ‘Reimagining Transport in the West Midlands’, with the Core Strategy now setting the tone and approach for the development of transport policy and strategy within the region. The alignment of the Local Plan, West Midlands LTP and the Black Country Area Strategy presents an opportunity for us to ensure that land use planning and transport are successfully integrated and continued alignment and partnership working will therefore be important between WMCA and Sandwell Council as the Plan moves forward.

The following sections outline our more detailed comments on the Draft Sandwell Local Plan Consultation for the issues relevant to TfWM. These are set out in relation to the LTP Big Moves.

Behaviour Change and Accessible & Inclusive Places

Where development is located and how it is designed plays a critical role in shaping people’s travel choices and behaviours as well as the ability of the transport system to support and make viable options for sustainable modes. Therefore, we welcome that the Local Plan will focus growth on locations which are well served by public transport, cycling and walking infrastructure and other services and focus on approaches to maximise densities to make efficient use of land and to support more local services and facilities. This will help to deliver against the LTP’s vision for a 45-minute region of well-connected neighbourhoods.

The approach around supporting Behaviour Change through information, support and resources is supported and welcome. In addition to the measures listed it is also important to note that there is a need to promote changing travel behaviours in response to unplanned travel disruptions as well as in response to planned events and in particular where disruption could be prolonged e.g. during infrastructure improvements. This would ensure smooth travel experiences for the residents.

The Borough will need to develop its existing transport networks ensuring that they provide an effective, efficient, and comprehensive public transport system, high quality routes and environments for pedestrians and cyclists, and efficient road network and modern digital infrastructure. In addition to improvements to its internal connections, the Borough will need to secure its further improvements in connectivity with surrounding areas, to the rest of the country and internationally in order to attract investment and support access to jobs. Also, attention must be given to mitigating the impact of large transport infrastructure projects on the affected areas encouraging sustainable travel and public transport uptake.

Walk, Wheel, Cycle and Scoot

This LTP draft Big Moves set a target for everyone in the West Midlands should be enabled to safely access a range of local destinations on foot, in a wheelchair or on a bike or scooter; with the aim of at least half of all trips in our area to be made by active modes by 2030. The aim is noted to promote sustainable transport and the focus on active travel. TfWM look forward to working with the Council in future to support achieving those goals.

Active Travel England (ATE) is not referenced in the document. ATE is now well-established as a Statutory Consultee on planning applications and has published a range of tools, including for new developments. The Plan should refer to the requirements of ATE for providing or contributing to walking and cycling infrastructure.

Generally, the plan refers positively to modal shift in several places which is welcomed. This would be strengthened and clarified if the plan also stated a clear objective of reducing motor vehicle traffic on the network, as this will then directly support the wider aims of the plan such as decarbonisation and reducing road casualties. We welcome the focus on Active Travel priorities as set out in Policy STR1. With regards to point 2, we would feel that the developments responsibility falls beyond the red line, with a focus on delivering high quality walking and cycling routes connecting the development to offsite destinations such as local facilities, education, and employment. This would provide a dense network of active travel infrastructure alongside that being delivered as part of the LCWIP.

We have a few suggestions on the wording within the Draft Local Plan, for SMBC’s consideration:

- Para 11.19 refers to ‘investigating’ road space reallocation where physical constraints permit. This should be strengthened beyond investigation to give a strong commitment to the principle.
- Para 11.22 deals with Park and Ride. Reference should be made to providing good accessibility of Park & Ride sites by cycling, with secure cycle parking facilities, as this is in line with the wider transport principles of the plan.
- Para 11.44 refers to ‘encouraging’ people out of their cars. This should be changed to ‘enabled’ to reflect the importance of providing people

with the facilities they need to make the change.

- Similarly, Paragraph 2 of Policy STR5 should say 'enables'.
- In Para 9 of Policy STR5 the word 'should' should be changed to 'will' to match para 11.51.
- Paragraph 10 of Policy STR5 should add '20mph speed limits' as these have been found to be an extremely cost-effective means of reducing road danger.
- We feel that given the hierarchy of users, Policy STR5 should feature higher up in the list of policies."

Public Transport & Shared Mobility

The draft LTP Public Transport and Shared Mobility Big Move identifies a West Midlands public transport system which is made up of three network tiers. These are:

- A Regional Rail and Metro network (with all 10 West Midlands strategic centres served).
- A Core network (mostly core "turn up and go" frequency bus (e.g. cross-city bus), with rapid transit lines for high volume corridors).
- A Secondary bus network (lower frequency bus and Demand Responsive Transport, providing comprehensive network coverage).

These networks will all be underpinned by common and integrated branding, ticketing, promotion, passenger information and high-quality interchanges.

Bus

TfWM welcomes the policies in the Draft Local Plan which seek to support and encourage the use of bus including securing investment from developers where appropriate. Decisions on where and how new development is designed alongside measures to provide priority and reallocate road space can support the region achieve its ambitions to improve bus services and grow bus use in the region. Should the region choose to pursue bus franchising it can provide an opportunity to improve how the bus network is planned and integrated with new developments.

Page 328 and the Core Bus Network Plan requires amending to reflect the following:

- The plan shows a route along the A457 Tollhouse Way/Soho Way and then along the B4135 Cranford Street/Heath Street however there are no bus services along this route so this needs removing.
- The plan is missing the current cross-city route from Smethwick (near Rolfe Street Railway Station), through Cape Hill, towards Birmingham (serving buses 54, 82 and 87) and this should be added to the plan.
- The route along Hamstead Road should continue up to the A4041 Newton Road

Rail

Whilst representing a smaller proportion of trips overall, rail remains important in terms of access to central Birmingham and the regional rail network provides links between most of our strategic centres and their inner and outer suburbs and the wider journey to work area. We broadly support the rail elements of the Draft Sandwell Local Plan with the following detailed comments.

- Page 66 - The proposed delivery date for the Dudley Port Integrated Transport Hub should be 2027.
- Page 324 Rail Priorities: the document should explicitly support the West Midlands Rail Investment Strategy 2022-50 (WMRIS) <https://wmre.org.uk/our-strategies/west-midlands-rail-investment-strategy/>

This WMRIS includes Midlands Rail Hub and also outlines further future improvements to local, regional and national rail services serving Sandwell.

- Page 324 Rail Priorities: SLP should ideally support HS2 or an alternative major rail capacity enhancement between Lichfield and Crewe Without major capacity relief for this congested of the West Coast Main Line through Staffordshire:
 - more freight will be forced onto the M6 road corridor
 - and it will not be possible to meet the objectives of the either
 - improve local and regional services between Birmingham Sandwell and Wolverhampton
 - provide a second direct London service between Sandwell and Dudley and London.

- Page 330 Policy STR3

- A policy explicitly encouraging housing development around existing or planned railway stations and metro stops would be welcome.

- Page 331 Policy STR4

- Amend 5. to read "Existing and disused railway lines and sidings will be safeguarded for rail-related uses".
- Amend 7. to read "Existing and proposed rail depots and train stabling facilities will be safeguarded.
- Add Policy 9. "Proposals to address rail network capacity bottlenecks between the West Midlands and Crewe will be supported"

Shared Mobility

Planning policy has a role in helping to reduce the need for people to own a private car by encouraging new development, infrastructure investments and changing land uses to create more sustainable travel behaviours. Shared mobility is a key measure to provide options for travel where traditional public transport is not available or an appropriate option. As such the references to Mobility Hubs/Local Travel Points, car clubs and the West Midlands cycle hire scheme is welcomed. However, we would welcome a stronger reference to the role and approach for encouraging shared mobility in the Transport Chapter.

Summary

Overall TfWM are supportive of the approach set out in the Draft Local Plan document and the ambition to improve connectivity via public transport and active travel infrastructure in Sandwell.

TfWM look forward to continuing to work with Sandwell Council on the development of the new Sandwell Local Plan and delivering improvements to transport through the LTP and Black Country AAP.

Change suggested by respondent:

Page 331 Policy STR4

- Amend 5. to read "Existing and disused railway lines and sidings will be safeguarded for rail-related uses".
- Amend 7. to read "Existing and proposed rail depots and train stabling facilities will be safeguarded.
- Add Policy 9. "Proposals to address rail network capacity bottlenecks between the West Midlands and Crewe will be supported"

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

1416

Support

Document Element: Pollution Control

Respondent: The Coal Authority (Mrs Melanie Lindsley, Principal Planning & Development Manager) [312]

Date received: 07/11/2024 via Web

Summary:

The Coal Authority are pleased to see the past mining activity of Sandwell area acknowledged.

Full text:

The Coal Authority are pleased to see the past mining activity of Sandwell area acknowledged.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: First opportunity

Appear exam: Not specified

Attachments: None

1417

Support

Document Element: Land contamination and instability

Respondent: The Coal Authority (Mrs Melanie Lindsley, Principal Planning & Development Manager) [312]

Date received: 07/11/2024 via Web

Summary:

The Coal Authority are pleased to see reference made to past mining activity in the Sandwell area and the legacy this has left behind.

Full text:

The Coal Authority are pleased to see reference made to past mining activity in the Sandwell area and the legacy this has left behind.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

1418

Support

Document Element: Policy SCO3 - Land contamination and instability

Respondent: The Coal Authority (Mrs Melanie Lindsley, Principal Planning & Development Manager) [312]

Date received: 07/11/2024 via Web

Summary:

The Coal Authority supports the inclusion of this policy which requires consideration to be given to risks posed by land instability and the undertaking of measures necessary to ensure the stability and safety of development proposals.

Full text:

The Coal Authority supports the inclusion of this policy which requires consideration to be given to risks posed by land instability and the undertaking of measures necessary to ensure the stability and safety of development proposals.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Issues and options

Appear exam: Not specified

Attachments: None

1419

Support

Document Element: Justification

Respondent: The Coal Authority (Mrs Melanie Lindsley, Principal Planning & Development Manager) [312]

Date received: 07/11/2024 via Web

Summary:

The Coal Authority support signposting in respect of coal mining legacy and the need for relevant applications to be supported by a Coal Mining Risk Assessment.

Full text:

The Coal Authority support signposting in respect of coal mining legacy and the need for relevant applications to be supported by a Coal Mining Risk Assessment.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: No

Appear exam: Not specified

Attachments: None

1301

Comment

Document Element: Priorities and Objectives

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The wording of Objective 6 remains unchanged when comparing Regulation 18 and Regulation 19 versions of the Local Plan. As part of the Regulation 18 consultation, the representations prepared on behalf of Vulcan emphasised the importance of Objective 6 being explicit by articulating clearly housing requirements and a commitment to identifying sufficient land for homes.

Vulcan supported the wording of Objective 7 which is unchanged. Vulcan wishes to make no further comment on this matter.

Full text:

The wording of Objective 6 remains unchanged when comparing Regulation 18 and Regulation 19 versions of the Local Plan. As part of the Regulation 18 consultation, the representations prepared on behalf of Vulcan emphasised the importance of Objective 6 being explicit by articulating clearly housing requirements and a commitment to identifying sufficient land for homes.

The Council has provided justification for the Regulation 18 wording and approach by explaining the importance of a balanced approach in meeting requisite housing need whilst also retaining green and open spaces in the Borough.

While Vulcan acknowledges the Council's justification, in the interests of clear articulation of housing requirements, Vulcan remains of the view that the wording of Objective 6 should explicitly commit to meeting the obligation of identifying sufficient land for homes.

Vulcan supported the wording of Objective 7 as drafted in the Regulation 18 Local Plan. The Council has commented to acknowledge and welcome this support. The wording of Objective 7 is unchanged in the Regulation 19 Local Plan. Vulcan wishes to make no further comment on this matter.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Housing Allocations

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The Vulcan site comprises part of a wider area of 'Housing Allocations' as identified on the Sandwell Local Plan Regulation 19 Policies Map.

The Regulation 18 and Regulation 19 Appendix B set 2033 as the date for anticipated delivery timescale (completion year) of Brades Road. Vulcan reiterates its encouragement of a delivery date in advance of this, with there being justification for taking that approach.

Notwithstanding, Vulcan wholly supports the proposed inclusion of Brades Road as a residential allocation, as confirmed in the Regulation 19 Appendix B and the Regulation 19 Local Plan Policies Map.

Full text:

The Vulcan site comprises part of a wider area of 'Housing Allocations' as identified on the Sandwell Local Plan Regulation 19 Policies Map.

As part of the Regulation 18 consultation, the Vulcan representations fully supported the inclusion of Brades Road as a residential allocation. It was remarked that site is clearly consistent with the Government agenda of brownfield first and maximising development within areas with high sustainability credentials that are accessible by a choice of means of transport. Likewise, Vulcan supported the inclusion of adjoining land on Dudley Road East (site ref. SH21) for the same reasons.

The Regulation 18 Appendix B sets 2033 as the date for anticipated delivery timescale (completion year) of Brades Road. As part of its Regulation 18 consultation response, Vulcan encouraged a delivery date in advance of this, with there being justification for taking that approach. As set out in Vulcan's Regulation 18 Local Plan representations, the justification for identifying delivery of residential development at the site in advance of 2033 is two-fold; firstly that Brades Road is potentially available in the short-term (with vacant possession being possible), and secondly that delivery of new homes may need to be front-loaded during the plan period. Vulcan acknowledges the significant shortfall in housing provision over the plan period and the uncertainty over housing numbers to be provided out of area through 'duty to co-operate'. Consequently, where sites are suitable and available, these should be identified as coming forward earlier in the housing trajectory. There is good reason to expect that delivery out of area will be skewed to the latter stages of the Sandwell Local Plan period, given that those neighbouring authorities can be expected justifiably to prioritise meeting their own housing requirements. As a result of this and the potential availability of Brades Road, the site should be recognised as an opportunity to assist with front-loading homes to be delivered within the Sandwell area.

Regulation 19 Appendix B reiterates the previous anticipated delivery timescale (it is stated as 2033-2034). This does not reflect Vulcan's ambitions to deliver the site on a more short-term basis, and while the predicted trajectory does not impede prompter delivery, Vulcan encourages the site being identified earlier in the delivery trajectory.

Vulcan wholly supports the proposed inclusion of Brades Road as a residential allocation, as confirmed in the Regulation 19 Appendix B and the Regulation 19 Local Plan Policies Map.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS2 – Increasing efficiency and resilience

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The Regulation 19 version of the Local Plan includes former Policy SCC1 ('Increasing efficiency and resilience') as Policy SDS2 ('Increasing efficiency and resilience') and it is relocated to Chapter 3 ('Framework Policies').

Vulcan and its advisors support the relocation of the policy to Chapter 3, and its proposed new wording.

Full text:

Formerly Policy SCC1 ('Increasing efficiency and resilience') and located within Chapter 5 ('Climate Change') of the Regulation 18 Local Plan, Vulcan objected to the previous draft wording as there was no assessment criteria against which the local planning authority could determine whether a development proposal would be compliant with its climate change and energy policies in the context of local requirements and site-specific circumstances. Vulcan and its advisors raised concern that the policy wording was arguably not sound given the absence of prescriptive, unambiguous assessment criteria.

The draft wording as set out in Regulation 19 draft is intended to respond to this concern. In its response to the Regulation 18 representations, the Council confirms the following:

"CCI is intended to provide a more strategic framework for the following policies, which contain more detailed requirements. It clearly links to those other policies in the plan that contain more information and is intended to set a general context for decisions to be made. Move CCI to form part of strategic development policy chapter"

Consequently, the Regulation 19 version of the Local Plan includes former Policy SCC1 ('Increasing efficiency and resilience') as Policy SDS2 ('Increasing efficiency and resilience') and it is relocated to Chapter 3 ('Framework Policies').

Vulcan and its advisors support the relocation of the policy to Chapter 3, and its proposed new wording.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SCC1 – Energy Infrastructure

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The wording of (what is now) draft Policy SCC1 ('Energy Infrastructure') has changed quite considerably since the Regulation 18 wording and addresses Vulcan's previous objection. Vulcan acknowledges the Council's above response and agrees with the proposed approach.

Full text:

Formerly SCC2 ('Energy Infrastructure') of the Regulation 18 Local Plan, Vulcan objected to the previous wording and raised concerns that the policy was not clear in respect of what grounds applicants will be able to demonstrate that a development is not suitable, feasible or viable for district heat or decentralised power networks. It was set out that the policy wording should provide clear direction in this regard, remove ambiguity and introduce additional trigger thresholds to ensure that it is sound in the context of being clear and positively prepared.

Comprising Policy SCC1 ('Energy Infrastructure') of the Regulation 19 Local Plan, the Council has, in-part, retained thresholds relating to minor and major development. As set out in its response to the Regulation 18 consultation, the Council has sought to provide developers with flexibility to make a case for a lack of viability / feasibility and this is reflected in the revised wording of draft Policy SCC1 ('Energy Infrastructure'). The Council acknowledges that it may not be feasible to link developments to heat networks and it is for a developer to provide clear and robust justification where connection to a district heat or decentralised power network cannot be achieved.

The wording of (what is now) draft Policy SCC1 ('Energy Infrastructure') has changed quite considerably since the Regulation 18 wording and addresses Vulcan's previous objection. Vulcan acknowledges the Council's above response and agrees with the proposed approach.

Vulcan set out its reasons for objecting to wording in the supporting text for Regulation 18 Policy SCC6 ('Renewable and Low Carbon Energy and BREEAM Standards') which sought to promote renewable energy generation of more than 20% within a new development.

The Council has advised in its response to Vulcan's comment that the "20% refers to 20% of the kwh energy used by the building (heating and appliances) – which is not the same thing as carbon emissions."

Notwithstanding the Council's response, that specific paragraph of the supporting text is no longer included in association with Regulation 19 policy, the most relevant policies now comprising Policy SCC1 ('Energy Infrastructure') and Policy SCC3 ('Climate-adapted Design and Construction') of the latest version of the Local Plan.

Vulcan agrees with the approach to remove the wording as was included in the Regulation 18 Local Plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SCC3 – Climate-adapted Design and Construction

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable.” It confirms that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. Vulcan objects to the proposed wording of Policy CCC3.

Full text:

Vulcan raised objection to the wording of Regulation 18 Policy SCC3 (‘Managing Heat Risk’) as it was drafted to apply to all forms of development with no distinction. Vulcan accepted that all development proposals could be subject to design materials choices in the context of managing heat risk but this would be more pertinent to larger scale development. Similarly, Vulcan and its advisors noted that the cooling hierarchy set out in the draft policy was not necessarily appropriate or applicable to all development proposals.

Vulcan and its advisors set out that draft Policy SCC3 should be revised such that it is clear for which size/scale of development the draft policy can be reasonably applied and include a clear indication of on what grounds applicants will be able to demonstrate that expectations cannot be viably or reasonably met, including in context with the cooling hierarchy. The Regulation 18 submission outlined that added clarification is necessary to ensure that the draft policy is sound in the context of it being clear, positively prepared and fit for purpose in seeking to manage in the most effective way heat risk from new development.

The Council response to Vulcan’s comments is:

- To amend the wording to establish that the policy will apply to new buildings used for residential, employment or educational purposes. In terms of residential properties, this will apply to all schemes where there is the potential to address issues around orientation in a positive way.
- That it disagreed that only larger sites will need to address heat risk – all sites will potentially be able to manage the orientation and design used for most forms of development occupied by people.
- That the requirement is for developers to demonstrate there is a clear and robust reason not to address the requirements of the policy - this is for the developer to identify, not for the LPA to suggest.
- That Part O of the amended building regulations addresses the need to promote passive ventilation over mechanical ventilation policy based on one in the London Plan (Policy 5.9 heating and cooling)

The Regulation 18 Policy SCC3 (‘Managing Heat Risk’) is now reworked into Regulation 19 Policy SCC3 (‘Climate-adapted Design and Construction’).

Vulcan and its advisors acknowledge the Council’s position as outlined in the response to Regulation 18 consultation. It is accepted that with regards to managing heat risk (and the intentions of Regulation 18 Policy SCC3 (‘Managing Heat Risk’)), the policy wording outlines principles which should be considered as part of a development design evolution. These are, however, not prescriptive requirements.

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable.” It confirms that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. For this reason, Vulcan objects to the proposed wording of Policy CCC3 and proposes it is updated to require any overheating assessment to take account of Part L requirements for natural ventilation. The policy should not refer to overheating assessments in isolation, but instead acknowledge that these could be one of a number of assessments undertaken to promote appropriate design within a development. The policy should also enable a judgement on a site by site basis. Certain assessments pertaining to particular solutions may be appropriate in some instances, but not others.

In addition to the above, Vulcan set out its reasons for objecting to wording in the supporting text for Regulation 18 Policy SCC6 (‘Renewable and Low Carbon Energy and BREEAM Standards’) which sought to promote renewable energy generation of more than 20% within a new development.

The Council has advised in its response to Vulcan’s comment that the “20% refers to 20% of the kwh energy used by the building (heating and appliances) – which is not the same thing as carbon emissions.”

Notwithstanding the Council’s response, that specific paragraph of the supporting text is no longer included in association with Regulation 19 policy, the most relevant policies now comprising Policy SCC1 (‘Energy Infrastructure’) and Policy SCC3 (‘Climate-adapted Design and Construction’) of the latest version of the Local Plan.

Vulcan agrees with the approach to remove the wording as was included in the Regulation 18 Local Plan.

Change suggested by respondent:

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable.” It confirms that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. For this reason, Vulcan objects to the proposed wording of Policy CCC3 and proposes it is updated to require any overheating assessment to take account of Part L requirements for natural ventilation. The policy should not refer to overheating assessments in isolation, but instead

acknowledge that these could be one of a number of assessments undertaken to promote appropriate design within a development. The policy should also enable a judgement on a site by site basis. Certain assessments pertaining to particular solutions may be appropriate in some instances, but not others.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

Document Element: Policy SCC3 – Climate-adapted Design and Construction

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable” and that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. For this reason, Vulcan objects to the proposed wording.

Full text:

Vulcan raised objection to the wording of Regulation 18 Policy SCC3 (‘Managing Heat Risk’) as it was drafted to apply to all forms of development with no distinction. Vulcan accepted that all development proposals could be subject to design materials choices in the context of managing heat risk but this would be more pertinent to larger scale development. Similarly, Vulcan and its advisors noted that the cooling hierarchy set out in the draft policy was not necessarily appropriate or applicable to all development proposals.

Vulcan and its advisors set out that draft Policy SCC3 should be revised such that it is clear for which size/scale of development the draft policy can be reasonably applied and include a clear indication of on what grounds applicants will be able to demonstrate that expectations cannot be viably or reasonably met, including in context with the cooling hierarchy. The Regulation 18 submission outlined that added clarification is necessary to ensure that the draft policy is sound in the context of it being clear, positively prepared and fit for purpose in seeking to manage in the most effective way heat risk from new development.

The Council response to Vulcan’s comments is:

- To amend the wording to establish that the policy will apply to new buildings used for residential, employment or educational purposes. In terms of residential properties, this will apply to all schemes where there is the potential to address issues around orientation in a positive way.
- That it disagreed that only larger sites will need to address heat risk – all sites will potentially be able to manage the orientation and design used for most forms of development occupied by people.
- That the requirement is for developers to demonstrate there is a clear and robust reason not to address the requirements of the policy - this is for the developer to identify, not for the LPA to suggest.
- That Part O of the amended building regulations addresses the need to promote passive ventilation over mechanical ventilation policy based on one in the London Plan (Policy 5.9 heating and cooling)

The Regulation 18 Policy SCC3 (‘Managing Heat Risk’) is now reworked into Regulation 19 Policy SCC3 (‘Climate-adapted Design and Construction’).

Vulcan and its advisors acknowledge the Council’s position as outlined in the response to Regulation 18 consultation. It is accepted that with regards to managing heat risk (and the intentions of Regulation 18 Policy SCC3 (‘Managing Heat Risk’)), the policy wording outlines principles which should be considered as part of a development design evolution. These are, however, not prescriptive requirements.

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable.” It confirms that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. For this reason, Vulcan objects to the proposed wording of Policy SCC3 and proposes it is updated to require any overheating assessment to take account of Part L requirements for natural ventilation. The policy should not refer to overheating assessments in isolation, but instead acknowledge that these could be one of a number of assessments undertaken to promote appropriate design within a development. The policy should also enable a judgement on a site by site basis. Certain assessments pertaining to particular solutions may be appropriate in some instances, but not others.

Change suggested by respondent:

The wording of Regulation 19 Policy SCC3 introduces a requirement for all major residential development to complete the CIBSE TM59 overheating assessment on the route to compliance with Building Regulations Part O. It confirms “The simplified Part O route is not considered acceptable.” It confirms that all major non-residential development should complete the CIBSE TM52 overheating assessment.

Any overheating prevention strategy can fundamentally influence design and can often conflict with natural daylighting via large window opening which then requires compensatory measures including air-cooling strategies which can conflict with Part L requirements. For this reason, Vulcan objects to the proposed wording.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

1307

Object

Document Element: Policy SCC5 – Flood Risk

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan supports the overall intention of the policy in reflecting national requirements for the completion of flood risk assessments. It is recommended that modification is made to the policy wording for consistency with the National Planning Policy Framework and Planning Practice Guidance, and to demonstrate soundness.

Full text:

In its comments relating to Regulation 18 Policy SCC4 ('Flood Risk'), Vulcan emphasised the importance of the wording being clear on what basis the proposed distance limitations on development that is proximate to an ordinary watercourse are derived. The representations also highlighted a requirement for detailed justification for the proposed limitations, and how the policy text as drafted relates to any local byelaws set under the Land Drainage Act 1991.

In its response to Vulcan's representations, the Council advised:

"The policy wording was included in the Black Country Plan, from which this policy is taken. It was suggested by consultants undertaking the SFRA for the BCP, who were asked to provide an update to the original Black Country Core Strategy policy on flooding and water. The suggested policy wording as proposed by the consultants can be found in the SFRA included on the BCP evidence base webpage."

The Council also outlined its intention to introduce flexibility through reference to the Environment Agency / Lead Local Flood Authority. This has been fulfilled in the proposed wording of Regulation 19 Policy SCC5 ('Flood Risk') which is updated to the following:

"Not allowing built development within five metres of an ordinary watercourse and within ten metres of the top of the bank of a main river unless a different appropriate width is agreed by either the Environment Agency or Lead Local Flood Authority."

The Regulation 19 wording of Policy PCC5 states "All developments are required to undertake a site-specific flood risk assessment" with criteria to satisfy. This is inconsistent with the Framework and PPG where a site-specific flood risk assessment is triggered for all development in Flood Zones 2 and 3, and in Flood Zone 1 where an application site measures 1 hectare or more, or comprises land which has been identified by the Environment Agency as having critical drainage problems, or is land identified in a strategic flood risk assessment as being at increased flood risk in future, or is land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. For consistency and to demonstrate soundness, it is therefore recommended that the policy wording is updated to the below or similar:

"A site-specific flood risk assessment must be undertaken where a development proposal is in Flood Zone 2 or 3, or is in Flood Zone 1 and one is triggered for reasons set out in national policy and guidance. The Flood Risk Assessment should address the below as applicable".

Vulcan supports the overall intention of the policy in reflecting national requirements for the completion of flood risk assessments.

Change suggested by respondent:

For consistency and to demonstrate soundness, it is therefore recommended that the policy wording is updated to the below or similar:

"A site-specific flood risk assessment must be undertaken where a development proposal is in Flood Zone 2 or 3, or is in Flood Zone 1 and one is triggered for reasons set out in national policy and guidance. The Flood Risk Assessment should address the below as applicable".

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

Document Element: Policy SCC6 - Sustainable drainage

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

As acknowledged by the Council in responding to the Regulation 18 representation, SuDS should be prioritised ahead of other drainage solutions (as per the water hierarchy contained in the Framework) but there must be flexibility for developers to provide evidence of what can be achieved on a particular site having regard to the drainage hierarchy, and where drainage solutions other than SuDS would be more practicable.

For the reasons outlined above, Vulcan maintains its objection to the draft wording of Regulation 19 Policy SCC6 ('Sustainable drainage').

Full text:

Vulcan raised objection to the Regulation 18 draft wording of Policy SCC5 ('Sustainable drainage and surface water management'), which stated that "All new developments should incorporate SuDS and all development proposals should provide details of adoption, ongoing maintenance, and management of SuDS." Vulcan objected on the grounds of the wording being inconsistent with the Framework and that it should be amended to meet the test of soundness.

The Council responded to these comments and confirmed that it would "Amend SCC5 to require major developments to incorporate SuDS unless there is clear evidence that this would be inappropriate, and to expect other schemes to do so wherever possible and deliverable."

The revised policy as contained in the Regulation 19 version of the Local Plan (also updated reference and title to Policy SCC6 'Sustainable drainage') does remove the requirement for all developments in Sandwell to incorporate SuDS and for development proposals to provide details of adoption, ongoing maintenance and management of SuDS. However, Vulcan remains of the view that the wording does not go far enough. The redrafted text now includes the following:

"All development should demonstrate that the design has incorporated sustainable drainage systems (SuDS) that prioritise natural drainage solutions to control surface water in accordance with the SuDS hierarchy."

With regards to minor development proposals, it states the following with regards to SuDS in minor development:

"a. Minor development is expected to:

- i. Implement SuDS designed in accordance with local requirements for SuDS136.
- ii. Restrict surface water flow by a minimum of 30% over pre-development runoff rates. Surface water flow rates should never exceed the rate of discharge from the development prior to redevelopment for that event.
- iii. Provide details of adoption, ongoing maintenance and management of SuDS."

As acknowledged by the Council in responding to the Regulation 18 representation, SuDS should be prioritised ahead of other drainage solutions (as per the water hierarchy contained in the Framework) but there must be flexibility for developers to provide evidence of what can be achieved on a particular site having regard to the drainage hierarchy, and where drainage solutions other than SuDS would be more practicable.

For the reasons outlined above, Vulcan maintains its objection to the draft wording of Regulation 19 Policy SCC6 ('Sustainable drainage').

In addition to the above, Vulcan set out its reasons for objecting to wording in the supporting text for Regulation 18 Policy SCC6 ('Renewable and Low Carbon Energy and BREEAM Standards') which sought to promote renewable energy generation of more than 20% within a new development.

The Council has advised in its response to Vulcan's comment that the "20% refers to 20% of the kwh energy used by the building (heating and appliances) – which is not the same thing as carbon emissions."

Notwithstanding the Council's response, that specific paragraph of the supporting text is no longer included in association with Regulation 19 policy, the most relevant policies now comprising Policy SCC1 ('Energy Infrastructure') and Policy SCC3 ('Climate-adapted Design and Construction') of the latest version of the Local Plan.

Vulcan agrees with the approach to remove the wording as was included in the Regulation 18 Local Plan.

Change suggested by respondent:

Vulcan raised objection to the Regulation 18 draft wording of Policy SCC5 ('Sustainable drainage and surface water management'), which stated that "All new developments should incorporate SuDS and all development proposals should provide details of adoption, ongoing maintenance, and management of SuDS." Vulcan objected on the grounds of the wording being inconsistent with the Framework and that it should be amended to meet the test of soundness.

SuDS should be prioritised ahead of other drainage solutions (as per the water hierarchy contained in the Framework) but there must be flexibility for developers to provide evidence of what can be achieved on a particular site having regard to the drainage hierarchy, and where drainage solutions other than SuDS would be more practicable.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

1309

Comment

Document Element: Policy SDMI – Design Quality

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan commented on the draft Regulation 18 wording of Policy SDMI ('Design Quality'), with neither support nor objection raised. Vulcan and its advisors encouraged clear policy with design expectations and detail of how proposals would be tested against policy, having regard to national guidance and material considerations.

Vulcan has no further comment to make on the draft wording of Policy SDMI, as contained in the Regulation 19 version of the Local Plan.

Full text:

Vulcan commented on the draft Regulation 18 wording of Policy SDMI ('Design Quality'), with neither support nor objection raised. Vulcan and its advisors encouraged clear policy with design expectations and detail of how proposals would be tested against policy, having regard to national guidance and material considerations.

In its response to representations to the Regulation 18 Local Plan, the Council acknowledges Vulcan's comments and reiterated that the Sandwell Local Plan "states that a design code for the borough will be prepared – until such time, extant local and national guidance will be used as necessary to provide a context for decisions on design."

The wording of Regulation 19 Policy SDMI ('Design Quality') is closely similar to the draft wording as provided in the Regulation 18 Local Plan, an exception being the inclusion of a tenth principle; that principle being "the need to mitigate and adapt to the impacts of climate change in accordance with the relevant policies in the plan".

Vulcan has no further comment to make on the draft wording of Policy SDMI, as contained in the Regulation 19 version of the Local Plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SDSI – Spatial Strategy for Sandwell

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan supports the inclusion of the additional criteria in draft Policy SDSI.

Full text:

In its representations to the Regulation 18 wording of Policy SDSI ('Development Strategy'), Vulcan stated the policy should be clear on how the projected provision for net additional homes is arrived at, and what provisions will be taken to ensure that delivery matches projected requirements. The Council noted these comments.

The wording of the Regulation 19 version of Policy SDSI (now titled 'Spatial Strategy for Sandwell') is closely similar to the predecessor wording, except (importantly) includes updated figures relating to the minimum number of new homes to be delivered (10,434 now compared to 11,167 in the Regulation 18 draft) and requirement for employment land (1,221 ha compared to 1,206 in the Regulation 18 draft).

Other alterations to the policy wording are two additional criteria which it is expected would be addressed in development proposals to ensure growth is sustainable. The new criteria (e. and g.) are as follows:

"taking a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites;"

"ensuring all new development is designed to encourage sustainable travel and minimise detrimental impacts on the transport network"

Vulcan supports the inclusion of the above criteria.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS3 – Regeneration in Sandwell

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan is broadly supportive of the wording, although remains of the view that it could be stronger to confirm densities are a minimum and higher density development should be considered where appropriate and where design allows. Whilst densities can be read as minimum densities, they can inadvertently set the context for particular areas / sites and so where there is potential for higher density it is helpful if this is acknowledged. Every opportunity needs to be taken for high density development, particularly in sustainable brownfield locations.

Full text:

In its representations to the Regulation 18 consultation and the proposed wording of Policy SDS2 ('Regeneration in Sandwell'), Vulcan set out that higher density residential development on brownfield land included in the identified Regeneration Areas may significantly assist the local authority in meeting its housing shortfall.

In its response to the Vulcan representations, the Council emphasised that Policy SHO3 sets out minimum density standards for new development and that "the Council will encourage proposals to exceed the minimum requirement where appropriate and the scheme is designed well." The Council also referred to its statutory duty to prepare a Design Code and that this "will provide design guidance for housing developments and explain how high density residential development can be designed well."

Vulcan is encouraged that the Council considers the stated density figures as being minimums, and the support for regeneration areas being critical to the delivery of new homes.

The policy reference is now Policy SDS3 (formerly SDS2) but the wording as drafted in the Regulation 19 version of the Local Plan is largely consistent with the wording in the Regulation 18 version. Vulcan is broadly supportive of the wording, although remains of the view that it could be stronger to confirm densities are a minimum and higher density development should be considered where appropriate and where design allows. Whilst densities can be read as minimum densities, they can inadvertently set the context for particular areas / sites and so where there is potential for higher density it is helpful if this is acknowledged. Every opportunity needs to be taken for high density development, particularly in sustainable brownfield locations.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

1312

Comment

Document Element: Policy SEC 1 – Providing for Economic Growth and Jobs

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

It remains Vulcan's stance that Policy SEC 1 should acknowledge that there are certain existing employment sites where the Council supports transition to residential land uses, and the importance of such sites in delivering sufficient homes for the Borough.

Full text:

Vulcan raised no fundamental objection to the Regulation 18 wording of Policy SEC 1 ('Providing for Economic Growth and Jobs'). Vulcan did, however, set out justification for changes to the wording to make it clear where the Council supports alternative uses on existing employment sites, specifically those sites where the Council supports transition from employment to residential.

The wording of the Regulation 19 version of Policy SEC 1 ('Providing for Economic Growth and Jobs') is closely similar, with no explicit confirmation that there are instances where the Council supports transition from employment to residential (or other land uses).

While it is acknowledged that Vulcan's site at Brades Road is proposed to be allocated for residential development, for avoidance of ambiguity it remains Vulcan's stance that Policy SEC 1 should acknowledge that there are certain existing employment sites where the Council supports transition to residential land uses, and the importance of such sites in delivering sufficient homes for the Borough.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SEC3 – Local Employment Areas

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

With the benefit of the Regulation 19 Policies Map, it is clear that Vulcan's assets at Brades Road do not comprise a defined 'Local Employment Area'. It is taken as read that impact on surrounding land uses and development plan allocations would be material considerations in the context of any planning application. As a result, it is not deemed critical that these previous submissions are reflected in the policy wording, and Vulcan can support the wording as is drafted.

Full text:

As part of its Regulation 18 representations, Vulcan supported the inclusion of the clarification at Policy SEC3 ('Local Employment Areas') Part 3 which confirms "Not all areas will be suitable for all uses." Vulcan also set out reasoning for:

1. Inclusion of specific reference to the fact that housing policies include existing/former employment sites and areas, alongside other employment areas being retained for employment use; and
2. Requiring that any planning applications for new employment development be subject to a consideration of potential impact on neighbouring land uses, both existing and proposed.

The Council acknowledged the above comments.

The wording of Policy SEC3 ('Local Employment Areas') as included in the Regulation 19 version of the Local Plan is identical to that included in the Regulation 18 version of the Local Plan. Whilst the views included within Vulcan's representations have not been incorporated, the wording of the policy is very clear that "Local Employment Areas are shown on the Policies Map." With the benefit of the Regulation 19 Policies Map, it is clear that Vulcan's assets at Brades Road do not comprise a defined 'Local Employment Area'. It is taken as read that impact on surrounding land uses and development plan allocations would be material considerations in the context of any planning application. As a result, it is not deemed critical that these previous submissions are reflected in the policy wording, and Vulcan can support the wording as is drafted.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan acknowledges the Justification which informs Policy SHO1. While Vulcan maintains that Policy SHO1 needs to be clear on the approach to meeting the housing requirement, it is accepted that this text supports the policy approach to housing trajectory and therefore Vulcan raises no further comment in respect of the supporting text clarification of the policy wording.

Full text:

In its representations to the Regulation 18 Local Plan, Vulcan recommended that draft Policy SHO1 ('Delivering Sustainable Housing Growth') confirms how the quoted requirement of net additional homes was calculated. In its associated response, the Council confirmed those comments were noted.

The draft wording of Policy SHO1 ('Delivering Sustainable Housing Growth') as contained in the Regulation 19 Local Plan is closely similar to the previous draft wording. In the Regulation 18 policy it reads "Sufficient land will be provided to deliver at least 11,167 net homes over the period 2022-2041." In the Regulation 19 version, it reads "Sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024-2041." There is a reduction to the number of homes (a reduction of 733 from 11,167 net new homes over the period 2022 to 2041, to 10,434 net new homes over the period 2024-2041). Across the Regulation 18 and Regulation 19 iterations, Tables 5 and 7 respectively set out the 'Housing Land Supply' – the total of which is 11,167 for Regulation 18 and 10,434 for Regulation 19. The updated requirement reflects what the Council considers can be realistically delivered having regard to sites under construction, sites with planning permission, and proposed allocations. Representations by other parties to the Regulation 18 consultation raised concerns of the supply, with one respondent stating, 'that the Local Plan only proposes to deliver 11,167 homes between 2022 – 2041 against an identified need of 29,773 homes, representing a shortfall of 18,606 homes, over 60%' (Gladman Developments Ltd).

As part of the Justification text supporting both the Regulation 18 and Regulation 19 Policy SHO1, the following is included:

"The Plan period has been divided into four phases, covering every five years from 2024. Housing targets for each phase are provided in Table 5. These are based on the housing trajectory set out in Appendix I, with further detail provided in the SHLAA. The trajectory demonstrates a steady supply of housing completions over the Plan period, justifying consistent housing targets throughout the Plan period. As set out in the NPPF (paragraph 76), the Council is seeking to confirm through the SLP the existence of a five - year housing land supply from the year of adoption (2025). For this purpose, the buffer applied to housing supply (as set out in the housing trajectory) will be 20%, in line with the most recent Housing Delivery Test results (2023)."

Vulcan acknowledges the above extract of Justification which informs Policy SHO1. While Vulcan maintains that Policy SHO1 needs to be clear on the approach to meeting the housing requirement, it is accepted that this text supports the policy approach to housing trajectory and therefore Vulcan raises no further comment in respect of the supporting text clarification of the policy wording.

Change suggested by respondent:

Not Applicable - Vulcan maintains that Policy SHO1 needs to be clear on the approach to meeting the housing requirement and it is accepted that this text supports the policy approach to housing trajectory. Therefore Vulcan raises no further comment in respect of the supporting text clarification of the policy wording.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Appearance at the examination

Oral exam why: Meeting housing requirements in full remains unresolved and Vulcan wishes to be part of a debate over how higher density brownfield development could allow the Council to get closer to its standard method housing requirement.

Attachments: None

1315

Support

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The flexibility afforded when considering the appropriateness of housing density, type and accessibility within a development proposal is welcomed by Vulcan, and the draft wording of Policy SHO3 is supported in this regard.

Full text:

In its representations to the Regulation 18 Local Plan, Vulcan commented that draft Policy SHO3 ('Housing Density, Type and Accessibility') should be explicit that a table provided in the Justification section provides a recommendation rather than prescriptive requirement for a residential development proposal. Likewise, Vulcan set out that Policy SHO3 should be consistent with Policies SHO4 AND SHO5 to be explicit that dwelling mix and mix of tenures will be site specific and subject to a consideration of local needs at the time of a proposed development coming forward.

The Regulation 19 version of Policy SHO3 (also 'Housing Density, Type and Accessibility') is closely similar to the wording of the Regulation 18 version.

Consistent across both Regulation 18 and Regulation 19 drafts, Policy SHO3 sets out that "Developments of ten homes or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, in line with the most recently available information." This offers flexibility to house types which may differ over time and in geographical area within the Borough.

The flexibility afforded when considering the appropriateness of housing density, type and accessibility within a development proposal is welcomed by Vulcan, and the draft wording of Policy SHO3 is supported in this regard.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SHO4 - Affordable Housing

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The wording of Policy SHO4 has been modified between the Regulation 18 and Regulation 19 versions. The inclusion of minimum thresholds are supported by Vulcan, subject to the where financially viable caveat. The above acknowledges that providing a minimum of 25% affordable homes in a low value zone and on a brownfield site in a medium zone area could substantially threaten delivery – hence a reduction to 10% with allowance for further reduction should this be justified on viability grounds.

Full text:

Vulcan supported the acknowledgement in Criteria 1 and 4 of Regulation 18 Policy SHO4 ('Affordable Housing') that the range of tenure to be provided and the proportion of any affordable housing should both be dependent upon an assessment of financial viability. The specific wording supported was the following:

“the tenure and type of affordable homes sought will be determined on a site-by-site basis, based on national planning policy and best available information regarding local housing needs, site surroundings and viability considerations.”

In its response to the above, the Council noted and welcomed this support.

Part 4 of Regulation 19 Policy SHO4 ('Affordable Housing') is identical to that at Part 4 of Regulation 18 Policy SHO4. Accordingly, Vulcan and its advisors support this wording.

As part of its Regulation 18 representations, Vulcan highlighted that Criterion 2 of Policy SHO4 potentially failed that test of soundness and was inconsistent with the NPPF. The objection related to wording which triggered “a minimum proportion of affordable housing” which was inconsistent with the earlier position whereby viability could preclude delivery of affordable housing on a residential development.

In its response, the Council confirms that Criterion 2 “states the minimum proportion to be provided, subject to viability is 25%” and for this reason disputes there is inconsistency.

The Regulation 19 wording of Policy SHO4 ('Affordable Housing') clearly sets minimum provisions and acknowledges that these should be provided “where this is financially viable.” Accordingly, where a viability case is made it may be a residential development can be accepted where there is no on-site affordable housing (or alternative contribution for off-site provision) or a proportion of affordable housing which is less than the minimum rate.

The Regulation 19 Policy SHO4 Criterion 2 includes new thresholds whereby the minimum proportion of on-site affordable housing varies depending on the nature of the relevant site. The wording states “All developments of ten homes or more should provide a proportion of affordable housing on site where this is financially viable.” Accordingly, policy recognises that viability may preclude delivery of on-site affordable homes. The minimum proportion of affordable housing that should be provided, as set out in draft Policy SHO4, are as follows:

- a. On all sites in lower value zones and brownfield sites in medium value zones – 10% affordable housing;
- b. On greenfield sites in medium value zones – 15% affordable housing;
- c. On all sites in higher value zones – 25% affordable housing.

The above minimum thresholds are supported by Vulcan, subject to the where financially viable caveat. The above acknowledges that providing a minimum of 25% affordable homes in a low value zone and on a brownfield site in a medium zone area could substantially threaten delivery – hence a reduction to 10% with allowance for further reduction should this be justified on viability grounds.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

1317

Object

Document Element: Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The minimum proportion requirement for accessible and adaptable or wheelchair user housing has been removed from the Regulation 19 wording. This change is supported by Vulcan.

Vulcan remains of the view that the self / custom build requirement for 5% of dwellings within a 100+ dwelling development could be prejudicial to effective delivery of development on a site. Vulcan remains of the view that this wording should be removed from policy.

Full text:

In its comments relating to draft Policy SHO5 ('Delivering Wheelchair Accessible and Self / Custom Build Housing'), Vulcan raised concerns that the Regulation 18 wording was unclear and ambiguous, and the ability to meet its requirements could be influenced by financial viability. Vulcan continued to state this failed the test of soundness and was inconsistent with the Framework. Vulcan placed importance on policy being clear and where any requirement is dependent on a demonstrable need, demonstration that development viability would not be adversely impacted upon.

In relation to the self / custom build housing component of Policy SHO5, Vulcan considered it inconsistent with national guidance that a requirement for 5% of a 100+ dwelling proposal must constitute self / custom build plots. Vulcan objected to Policy SHO5 Part 4 on the basis of it not acknowledging that site characteristics might justify self-build / custom build exemption within a 100+ dwelling development, irrespective of whether there is a current register need (as per the Council's self / custom build register). Vulcan set out potential exemption on viability or other grounds of sites from self-build/custom build requirements should be set out clearly in Policy SHO5 (4).

In its response to representations made via the Regulation 18 consultation, the wording of the draft Regulation 19 SHO5 (now titled 'Delivering Accessible and Self / Custom Housing') has changed quite significantly.

The minimum proportion requirement for accessible and adaptable or wheelchair user housing has been removed from the Regulation 19 wording. This change is supported by Vulcan.

The draft wording maintains the requirement for all new homes to meet M(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations. However, in the Council's responses to Regulation 18 representations, including the Vulcan submission, it is confirmed that "Once M4/2 has been adopted, the policy will be amended accordingly." It appears, therefore that the Council acknowledges the scope for removal of the M(2) requirement, as and when it becomes a requirement of Building Regulations. Vulcan reiterates that the policy should not duplicate building regulations requirements, and outside of this acknowledge the material considerations of need and development viability.

The Council did not provide a specific response to Vulcan's comments relating to the proportion of a 100+ dwelling development which should comprise self / custom home plots. Where other respondents raised concern with this figure, the Council justified its proposed approach by stating the following:

"Policy SHO5 only requires a supply of self-build plots where there is an unmet need from self-build registers. The Policy also allows for plots to be advertised for a reasonable period and if there is no demand they can revert to standard housing."

Vulcan remains of the view that the self / custom build requirement for 5% of dwellings within a 100+ dwelling development could be prejudicial to effective delivery of development on a site. Vulcan remains of the view that this wording should be removed from policy.

Change suggested by respondent:

Vulcan remains of the view that the self / custom build requirement for 5% of dwellings within a 100+ dwelling development could be prejudicial to effective delivery of development on a site. Vulcan remains of the view that this wording should be removed from policy.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

Document Element: Policy SHW3 – Air Quality

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan and its advisors support the proposed alteration, however, it is proposed that the related requirements should exclusively relate to major development proposals and / or sites located within an Air Quality Management Area ('AQMA'). The PPG confirms no assessment should be triggered where a development is not anticipated to give rise to concerns about air quality. Accordingly, it is deemed excessive for policy to trigger require an air quality assessment for minor development proposals and sites outside of AQMAs.

Full text:

Vulcan raised objection to part of the draft wording of Policy SHW3 ('Air Quality') as contained in the Regulation 18 version of the Local Plan. The concern specifically related to a requirement that "New development must be at least air quality neutral following any required mitigation." The concern was this would be inconsistent with policy contained in the Framework and within the PPG.

The Council acknowledged Vulcan's concerns and responded to advise the policy would be amended to clarify a requirement for improvements to air quality.

The above wording as quoted from the Regulation 18 version of the Local Plan has been omitted and replaced with the following:

"New development must demonstrate how its occupiers and users would be affected by air quality and how the development itself affects air quality."

Vulcan and its advisors support the proposed alteration, however, it is proposed that the related requirements should exclusively relate to major development proposals and / or sites located within an Air Quality Management Area ('AQMA'). The PPG confirms no assessment should be triggered where a development is not anticipated to give rise to concerns about air quality. Accordingly, it is deemed excessive for policy to trigger require an air quality assessment for minor development proposals and sites outside of AQMAs. For consistency, the policy wording should not seek to trigger such requirements in circumstances where there are no national requirements.

Change suggested by respondent:

For consistency, the policy wording should not seek to trigger such requirements in circumstances where there are no national requirements.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

1319

Object

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

In assessing the wording of the Regulation 18 version of Policy SHW4 ('Open Space and Recreation'), Vulcan noted the policy failed to acknowledge that the expectation of contribution to unrestricted open space should be based upon whether there is a demonstrable shortfall and/or resultant need in the locality of a development site. The Council responded to confirm the SLP would go through a viability assessment and issues like this will be taken into account when the work is being undertaken. The proposed wording of The Regulation 19 Policy SHW4 wording should be amended to include the Council's clarification.

Full text:

In assessing the wording of the Regulation 18 version wording of Policy SHW4 ('Open Space and Recreation'), Vulcan noted the policy failed to acknowledge that the expectation of contribution to unrestricted open space should be based upon whether there is a demonstrable shortfall and/or resultant need in the locality of a development site.

In its response to the above feedback, the Council advised the following:

“The figure of 3.63ha per 1,000 population was identified in the last Green Spaces Strategy and represents the current level of provision available to residents in this highly urbanised borough. The SLP will go through a viability assessment and issues like this will be taken into account when the work is being undertaken.

The aim is to maintain this level of provision across the borough - it is the case that certain areas of Sandwell are much better provided for than others, but other areas, particularly in the main urban core, suffer from a significant lack of opportunities.

The policy can be clarified to spell out the geographical requirements as necessary.”

The proposed wording of Policy SHW4 as contained in the Regulation 19 Local Plan should be amended to include the clarification provided by the Council in response to Regulation 18 comments. This could be critical to securing sufficient delivery of homes to meet the requirements set out in the emerging Local Plan.

Change suggested by respondent:

The proposed wording of Policy SHW4 as contained in the Regulation 19 Local Plan should be amended to include the clarification provided by the Council in response to Regulation 18 comments. This could be critical to securing sufficient delivery of homes to meet the requirements set out in the emerging Local Plan.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

1320

Comment

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan and its advisors supported the wording of draft Policy SNE2 as drafted in the Regulation 18 Local Plan. The Council has commented to acknowledge and welcome this support.

The wording of SNE2 is largely unchanged in the Regulation 19 Local Plan. A bullet point has been omitted from the previous draft version (that bullet point relating to site clearance (or other related activities) which would lower the biodiversity value of a site prior to 30 January 2020). Vulcan has no comment to make on that amendment.

Full text:

Vulcan and its advisors supported the wording of draft Policy SNE2 as drafted in the Regulation 18 Local Plan. The Council has commented to acknowledge and welcome this support.

The wording of SNE2 is largely unchanged in the Regulation 19 Local Plan. A bullet point has been omitted from the previous draft version (that bullet point relating to site clearance (or other related activities) which would lower the biodiversity value of a site prior to 30 January 2020). Vulcan has no comment to make on that amendment.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan raised objection to the wording of Policy SNE3 ('Provision, Retention and Protection of Trees, Woodlands and Hedgerows') as contained in the Regulation 18 version of the Local Plan. In summary, the objection principally related to:

1. Lack of acknowledgement that there will not be the justification for the retention of some trees; and
2. That the requirement for replacement trees should be subject of site-by-site assessments and not a standard requirement.

The wording relating to replacement tree planting is consistent between the Regulation 18 and Regulation 19 versions of the Local Plan.

Full text:

Vulcan raised objection to the wording of Policy SNE3 ('Provision, Retention and Protection of Trees, Woodlands and Hedgerows') as contained in the Regulation 18 version of the Local Plan. The objection principally related to:

1. Lack of acknowledgement that there will not be the justification for the retention of some trees, particularly in the context of poor specimens and wider development benefit. The policy text should be consistent with the Framework (2023), which says planning policies should ensure '...that existing trees are retained wherever possible' (paragraph 131); and
2. That the requirement for replacement trees and the number to be provided should be the subject of site-by-site assessments, alongside a measured consideration of biodiversity net gain, as opposed to a standard requirement for tree planting a rate of 3 trees per tree lost.

In its response to the Vulcan representations, the Council acknowledged the feedback. The Council confirmed the policy justification would be amended to allow for poor quality trees to be discounted from canopy cover calculations.

The Council response continues to confirm the following:

"Given the council's wider objectives around improving the health and wellbeing of local residents as well as improving the ecological value of local habitats and addressing climate change, it believes that increasing canopy cover on development sites will generate positive benefits. Although the issue of canopy cover is not addressed in the NPPF or PPG, this does not prevent the Council from requiring developments to provide for such a requirement where there is suitable evidence and is a local priority (Sandwell Tree Strategy). Given the information provided by the Tree study, the evidence of poorer health outcomes in Sandwell and the guidance provided by the Woodland Trust, The Council feels this approach is warranted.

With regard to off-site replacements, this can be undertaken as part of BNG provision or as stand-alone green infrastructure enhancement and as such will be subject to site-related considerations."

The proposed wording of Policy SNE3 as contained in the Regulation 19 version of the Local Plan is modified, including a change in respect of canopy cover. The wording as included in the Regulation 18 Local Plan was as follows:

"Tree planting on new development sites should make a minimum contribution of 20% canopy cover and a recommended contribution of 30% canopy cover across the site, especially in areas where evidence demonstrates that current levels of canopy cover are lower than the local average."

The wording as proposed by the Regulation 19 version is as follows:

"Tree planting on major development sites should contribute to a minimum of 20% canopy cover (calculated by considering both the current level of canopy cover on a site and identifying the likely contribution made once new trees have established and matured) and a recommended level of 30% canopy cover across the site, especially in areas where evidence demonstrates that current levels of canopy cover are lower than the local average."

The revised wording responds to Vulcan's previous concerns. It is, however, considered the wording could be taken further to avoid ambiguity. It should specifically confirm that poor quality trees should be discounted from canopy cover calculations.

The wording relating to replacement tree planting is consistent between the Regulation 18 and Regulation 19 versions of the Local Plan (a minimum rate of three replacement trees for every tree removed from a development site).

Vulcan maintains that the case for replacement tree planting should be considered on a site-by-site basis.

Change suggested by respondent:

The revised wording responds to Vulcan's previous concerns in some regards. It is, however, considered the wording could be taken further to avoid ambiguity. It should specifically confirm that poor quality trees should be discounted from canopy cover calculations.

Vulcan maintains that the case for replacement tree planting should be considered on a site-by-site basis and a standard requirement should not be applicable to every site.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Written Representation

Attachments: None

1322

Comment

Document Element: Policy SNE6 – Canals

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan encouraged further promotion of canal-side developments, with a focus on encouraging waterfront views for residential developments, and the interdependency of such development cross-referencing to urban design policies.

The Regulation 19 Policy SNE6 ('Canals') wording has not been amended to reflect Vulcan's comments. Vulcan reiterates its stance for promoting waterside views and opportunities for canal-side development to enhance non-car travel, but does not consider this fundamental to the soundness of the most recent iteration of the policy wording.

Full text:

In its representations to the Regulation 18 consultation, Vulcan and its advisors supported the positive wording of draft Policy SNE6 ('Canals'). Vulcan wholly concurred with the Council's position that canal-side sites can provide opportunities for high-quality developments with enhanced accessibility for pedestrians, cyclists and other non-car-based modes of transport.

Vulcan encouraged further promotion of canal-side developments, with a focus on encouraging waterfront views for residential developments, and the interdependency of such development cross-referencing to urban design policies.

The Council noted and welcomed the support for the Regulation 18 wording of Policy SNE6.

The Regulation 19 Policy SNE6 ('Canals') wording has not been amended to reflect Vulcan's comments. Vulcan reiterates its stance for promoting waterside views and opportunities for canal-side development to enhance non-car travel, but does not consider this fundamental to the soundness of the most recent iteration of the policy wording.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

1323

Comment

Document Element: Policy STR8 – Parking Management

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan commented on the wording of draft Policy STR8 ('Parking Management') as contained in the Regulation 18 Local Plan to encourage reference to the NPPF. Vulcan and its advisors also reminded the Council that the NPPF confirms maximum parking standards should only be included where there is a clear and compelling justification.

Given the representations to the Regulation 18 were an observation and the wording between Regulation 18 and 19 versions of Policy STR8 are closely similar, Vulcan makes no further submissions on the proposed wording of this policy.

Full text:

Vulcan commented on the wording of draft Policy STR8 ('Parking Management') as contained in the Regulation 18 Local Plan to encourage reference to the NPPF. Vulcan and its advisors also reminded the Council that the NPPF confirms maximum parking standards should only be included where there is a clear and compelling justification.

The wording of Policy STR8 ('Parking Management') as included in the Regulation 19 Local Plan is near identical to that of the Regulation 18 version, a difference being the previous referring to Appendix L with the latest referring to Appendix K (both being 'Transportation Policy'). Appendix K (formerly Appendix L) confirms "there is no mention of minimum or maximum parking standards and the onus is firmly upon the Local Planning Authority to determine what is appropriate for their area by using local knowledge, benchmarking and best practice, taking into consideration the above criteria based on locally derived evidence."

Given the representations to the Regulation 18 were an observation and the wording between Regulation 18 and 19 versions of Policy STR8 are closely similar, Vulcan makes no further submissions on the proposed wording of this policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

1324

Comment

Document Element: Policy STR9 – Planning for Low Emission Vehicles

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Whilst Vulcan maintains its position that draft Policy STR9 is not required given Building Regulation requirements, it supports the principle and raises no objection to the additional principle as included in the Regulation 19 version of the draft Local Plan.

Full text:

Vulcan is supportive of encouraging a move away from fossil fuel vehicles through the introduction of all-electric and hybrid alternatives. Vulcan objected to the proposed wording of Regulation 18 draft Policy STR9 ('Planning for Low Emission Vehicles') on the grounds of the policy not being required given the national context of electric vehicles including recent amendments to the Building Regulations which set prescriptive requirements.

The Regulation 19 Policy STR9 ('Planning for Low Emission Vehicles') wording is closely similar to that wording found in the Regulation 18 draft Local Plan, with the inclusion of a further bullet point confirming that "Measures to encourage LEV use through travel plans and other initiatives" is a fourth principle whereby proposals for low emission vehicles will be supported.

Whilst Vulcan maintains its position that draft Policy STR9 is not required given Building Regulation requirements, it supports the principle and raises no objection to the additional principle as included in the Regulation 19 version of the draft Local Plan.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SWA5 – Resource Management and New Development

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

The draft policy does not include prescriptive requirements. Vulcan acknowledges and is supportive of the Council's approach as it has potential to offer greater flexibility compared to minimum requirements which may not be appropriate on a site-by-site basis.

Full text:

Vulcan considered the Regulation 18 wording to Policy SWA5 ('Resource Management and New Development') should be redrafted to include clear targets and the require applicants to provide justification for the proposed approach to waste management and the use of construction materials as part of a development project.

In its response to Regulation 18 consultation feedback, the Council confirmed acknowledgement of those representations prepared on behalf of Vulcan.

The wording of Regulation 18 Policy SWA5 is identical to that of Regulation 19 Policy SWA5. Accordingly, the draft policy does not include prescriptive requirements. Vulcan acknowledges and is supportive of the Council's approach as it has potential to offer greater flexibility compared to minimum requirements which may not be appropriate on a site-by-site basis.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

1326

Comment

Document Element: Policy SDS5 - Achieving Well-designed Places

Respondent: Vulcan Property II Limited [300]

Agent: Sevo Planning Limited (Mr Stephen Morgan-Hyland, Director) [255]

Date received: 28/10/2024 via Web

Summary:

Vulcan raised no concerns with the wording of Policy SDS4 ('Achieving Well-designed Places'), as included in the draft Regulation 18 Local Plan.

The Council acknowledged Vulcan's feedback to draft Policy SDS4 and welcomed the support.

Comprising Policy SDS5 of the Regulation 19 Local Plan (title consistent between this and the predecessor version), the wording has been updated to place importance on a future Design Code, and require design of development to adhere to the extant Design Code.

Vulcan remains content with the wording the policy relating to achieving well-designed places (now Policy SDS5, formerly SDS4).

Full text:

Vulcan raised no concerns with the wording of Policy SDS4 ('Achieving Well-designed Places'), as included in the draft Regulation 18 Local Plan.

The Council acknowledged Vulcan's feedback to draft Policy SDS4 and welcomed the support.

Comprising Policy SDS5 of the Regulation 19 Local Plan (title consistent between this and the predecessor version), the wording has been updated to place importance on a future Design Code, and require design of development to adhere to the extant Design Code.

Vulcan remains content with the wording the policy relating to achieving well-designed places (now Policy SDS5, formerly SDS4).

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Yes, as part of the Regulation 18 representations.

Appear exam: Not specified

Attachments: None

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: Wain Estates (Mr Nicholas Mills, Strategic Planning Manager) [290]

Date received: 11/11/2024 via Email

Summary:

Policy SDS1 – Spatial Strategy for Sandwell
Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is a shortfall of 15,916 homes.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be "significantly boosted" and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the "presumption in favour" and "titled planning balance" when it comes to determining applications. This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF's emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHV4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell's September 2024 Duty to Co-operate Statement. The table shows that whilst there are some 'offers' from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell's housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

"On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly out-performs Option D, although neither option would deliver sufficient housing to satisfy the identified need."

As part of a wider consortium, Wain Estates instructed the "Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area" report (copy enclosed at Appendix 1). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council's supply evidence at that time. This shortfall will only be exacerbated by Sandwell's approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell's shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan,

which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell's own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form.

A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS 1 fails to meet the tests of soundness because:

1. It is not positively prepared – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. It is not justified – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land to help meet housing need.

3. It is not consistent with national policy – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Full text:

These representations are submitted by Wain Estates in response to the Sandwell Local Plan (SLP) Publication Version (Regulation 19) consultation, running between 23rd September and 11th November 2024.

Wain Estates has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

Wain Estates have been actively promoting land to the north of Wilderness Lane, Great Barr for a sustainable residential development with associated infrastructure. The site has previously been referred to as "land at Birmingham Road" in previous representations, it also fell under site ref: SA-003-SAN in the Black Country Plan (BCP). Wain Estates are the single landowner for the entire site.

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the NPPF].

There is no statutory definition of "soundness". However, the NPPF (§35) states that to be sound a Local Plan should be:

1. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
4. Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In addition, the Framework (§11) states that:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report demonstrates that a number of policies within the Local Plan require amendments in the context of the tests of soundness established by the Framework. Wain Estates has serious concerns with this version of the Sandwell Local Plan, and that to be sound, the issues can be addressed through amendments to the policies, interventions and the introduction of additional sustainable allocations in the Green Belt to ensure the housing requirements are met and the Green Belt boundaries endure beyond the Plan period.

In this context, it is important to note that the Minister of State, Matthew Pennycook MP recently wrote to the Chief Executive of the Planning Inspectorate¹ to outline that the examination process is not the right place for 'deficient plans' to be 'fixed' at examination. The hardline taken by Pennycook has been reflected by Inspectors imposing deadlines for Local Authorities to provide additional evidence and some plans being withdrawn such as Solihull Local Plan Review withdrawn on 9th October 2024. In the absence of the fundamental reconsideration of the SLP Wain Estates consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

Structure

These representations are structured as follows:

- Background to Land at Wilderness Lane, Great Barr
- Consideration of the relevant Local Plan matters and policies

Representations to the following Local Plan matters and policies are provided in this report:

1. Policy SDS1 – Spatial Strategy for Sandwell
2. Policy SHO1 – Delivering Sustainable Housing Growth
3. Policy SDS7 – Sandwell's Green Belt
4. Policy SHO3 – Housing Density, Type and Accessibility

Appendices are also enclosed with these representations, for completeness and ease of reference.

Land at Wilderness Lane, Great Barr

Historic Site Promotion

Wain Estates (then named HIMOR) first made representations promoting the site to the BCP to the scope, issues, and options consultation (including a call for sites submission) in September 2017.

Since then, we have made a further call for sites submission for the BCP in September 2020, which included a new Vision Document prepared by FPCR. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered by the Council to be suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.

Further representations were submitted to the BCP Regulation 18 consultations in October 2021 and September 2022. The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans.

Representations were prepared to the Sandwell Local Plan Regulation 18 Issues and Options and further call for sites consultation in March 2023. Further representations were submitted to the Regulation 18 Preferred Options Consultation in December 2023 which are enclosed at Appendix I.

Site Context

The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site.

Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.

Land east and south of the site comprises residential development, with mainly semi-detached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.

The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

There are no Public Rights of Way (PROW) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.

In the immediate area is St. Margaret's C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.

The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south west to north east within the site.

Designations

The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site's wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of "non-designated" heritage assets, as detailed in the Planning Practice Guidance (PPG).

The site is not covered by any designation relating to its landscape character or quality, such as AONB.

The site lies fully within Flood zone 1 (lowest level of risk).

The site lies fully within the West Midlands Green Belt.

An area within the western part of the site falls within a Minerals Safeguarding Area (MSA).

The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.

The site does appear to fall within the Peak House Farm Site of Importance for Nature Conservation (SINC), this represents an 'upgrade and extension' of the previous partial Site of Local Importance for Nature Conservation (SLINC) designation endorsed by Sandwell's Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.

As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. It is assumed the SINC designation is being implemented across the entire site.

None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required.

The site was subject to an outline planning application and subsequent planning appeal for residential development with associated open space in the form of a countryside park. Wain Estates fundamentally disagrees with the overall conclusions reached by the Inspector in dismissing the appeal and the site is considered to be suitable for development for the reasons set out in our appeal submissions. However, we note the following from the Inspector's decision and based on the responses of the Council's representatives under cross-examination.

- The Council is only able to demonstrate a 1.4 year supply of deliverable housing sites currently. This is a significant shortfall and reflects persistent underdelivery over an extended period. It also has yet to be successfully addressed by actions identified by the Council. It is therefore a pressing matter which the Council will need to address within its emerging Plan.
- There is a current shortage of identified sites outside the Green Belt.
- Whether or not some release of Green Belt land may be justified to accommodate future growth remains a matter for the emerging Plan.
- Based on the most recent evidence at the time (the SHMA 2021), 6,517 affordable dwellings are required within the Borough during the period 2020-2039 (343 dwellings per annum). The level of need has increased over time and is reflected in a high number of entries on the Council's register. Delivery has again generally been below target, with the stock of affordable housing also suffering continued erosion as a result of right to buy.
- Occupants of development on the site would have good access to services and facilities.
- The Council agreed that impact on the SINC was capable of resolution through improvements in biodiversity.
- The Council agreed that the site could be enhanced by the proposed development to an extent where it could become recognised as a valued landscape.

Wain Estates therefore consider that the site is suitable for allocation for residential development and for the reasons set out in these representations it is considered that exceptional circumstances exist for the release of Green Belt land through the SLP.

Policy SDS1 – Spatial Strategy for Sandwell

Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221 ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is a shortfall of 15,916 homes.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be "significantly boosted" and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing

requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the “presumption in favour” and “titled planning balance” when it comes to determining applications. This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF's emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell's September 2024 Duty to Co-operate Statement. The table shows that whilst there are some ‘offers’ from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell's housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

“On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly out-performs Option D, although neither option would deliver sufficient housing to satisfy the identified need.”

As part of a wider consortium, Wain Estates instructed the “Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area” report (copy enclosed at Appendix 1). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council's supply evidence at that time. This shortfall will only be exacerbated by Sandwell's approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell's shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan, which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell's own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form.

A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS1 fails to meet the tests of soundness because:

1. It is not positively prepared – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict

this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. It is not justified – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land to help meet housing need.

3. It is not consistent with national policy – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Policy SH01 – Delivering Sustainable Housing Growth

Introduction

Policy SH01 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SH01 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues, there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.
- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards,

again questioning the suitability and availability of this land to support an allocation.

- SM2 SA 199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or
- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline, cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council's inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to "examine fully all other

reasonable options for meeting its identified need for development" before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for whether the strategy:

"(a) makes as much use as possible of suitable brownfield sites and underutilised land;

(b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SH01 fails to meet the tests of soundness because:

1. It is not positively prepared – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. It is not justified – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. It is not effective – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. It is not consistent with national policy – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Policy SDS7 – Sandwell's Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell's Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

"Sandwell green belt's nature conservation, landscape, heritage and agricultural value will be protected and enhanced."

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

“While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);
- c. by protecting tranquil areas and locations with ecological and historic value.

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell's wider vision, which seeks to increase accessible open spaces, such spaces need to come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. It is not consistent with national policy – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.

Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. It is not justified – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.

2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Call for sites and Reg 18 consultation.

Appear exam: Appearance at the examination

Oral exam why: The omission of Peak House Farm as a housing allocation in the Plan

Attachments:

Document Element: Policy SH01 - Delivering Sustainable Housing Growth

Respondent: Wain Estates (Mr Nicholas Mills, Strategic Planning Manager) [290]

Date received: 11/11/2024 via Email

Summary:

Policy SH01 – Delivering Sustainable Housing Growth

Introduction

Policy SH01 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SH01 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues, there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.
- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards, again questioning the suitability and availability of this land to support an allocation.
- SM2 SA 199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or
- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline, cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council’s inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also

a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to “examine fully all other

reasonable options for meeting its identified need for development” before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for whether the strategy:

“(a) makes as much use as possible of suitable brownfield sites and underutilised land;

(b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SH01 fails to meet the tests of soundness because:

1. It is not positively prepared – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. It is not justified – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. It is not effective – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. It is not consistent with national policy – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Full text:

These representations are submitted by Wain Estates in response to the Sandwell Local Plan (SLP) Publication Version (Regulation 19) consultation, running between 23rd September and 11th November 2024.

Wain Estates has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

Wain Estates have been actively promoting land to the north of Wilderness Lane, Great Barr for a sustainable residential development with associated infrastructure. The site has previously been referred to as “land at Birmingham Road” in previous representations, it also fell under site ref: SA-003-SAN in the Black Country Plan (BCP). Wain Estates are the single landowner for the entire site.

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is “sound”, as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the NPPF].

There is no statutory definition of “soundness”. However, the NPPF (§35) states that to be sound a Local Plan should be:

1. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
4. Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In addition, the Framework (§11) states that:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report demonstrates that a number of policies within the Local Plan require amendments in the context of the tests of soundness established by the Framework. Wain Estates has serious concerns with this version of the Sandwell Local Plan, and that to be sound, the issues can be addressed through amendments to the policies, interventions and the introduction of additional sustainable allocations in the Green Belt to ensure the housing requirements are met and the Green Belt boundaries endure beyond the Plan period.

In this context, it is important to note that the Minister of State, Matthew Pennycook MP recently wrote to the Chief Executive of the Planning Inspectorate¹ to outline that the examination process is not the right place for 'deficient plans' to be 'fixed' at examination. The hardline taken by Pennycook has been reflected by Inspectors imposing deadlines for Local Authorities to provide additional evidence and some plans being withdrawn such as Solihull Local Plan Review withdrawn on 9th October 2024. In the absence of the fundamental reconsideration of the SLP Wain Estates consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

Structure

These representations are structured as follows:

- Background to Land at Wilderness Lane, Great Barr
- Consideration of the relevant Local Plan matters and policies

Representations to the following Local Plan matters and policies are provided in this report:

1. Policy SDS1 – Spatial Strategy for Sandwell
2. Policy SHO1 – Delivering Sustainable Housing Growth
3. Policy SDS7 – Sandwell's Green Belt
4. Policy SHO3 – Housing Density, Type and Accessibility

Appendices are also enclosed with these representations, for completeness and ease of reference.

Land at Wilderness Lane, Great Barr

Historic Site Promotion

Wain Estates (then named HIMOR) first made representations promoting the site to the BCP to the scope, issues, and options consultation (including a call for sites submission) in September 2017.

Since then, we have made a further call for sites submission for the BCP in September 2020, which included a new Vision Document prepared by FPCR. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered by the Council to be suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.

Further representations were submitted to the BCP Regulation 18 consultations in October 2021 and September 2022. The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans.

Representations were prepared to the Sandwell Local Plan Regulation 18 Issues and Options and further call for sites consultation in March 2023. Further representations were submitted to the Regulation 18 Preferred Options Consultation in December 2023 which are enclosed at Appendix I.

Site Context

The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site.

Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.

Land east and south of the site comprises residential development, with mainly semi-detached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.

The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

There are no Public Rights of Way (PROW) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.

In the immediate area is St. Margaret's C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.

The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south west to north east within the site.

Designations

The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site's wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of "non-designated" heritage assets, as detailed in the Planning Practice Guidance (PPG).

The site is not covered by any designation relating to its landscape character or quality, such as AONB.

The site lies fully within Flood zone 1 (lowest level of risk).

The site lies fully within the West Midlands Green Belt.

An area within the western part of the site falls within a Minerals Safeguarding Area (MSA).

The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.

The site does appear to fall within the Peak House Farm Site of Importance for Nature Conservation (SINC), this represents an 'upgrade and extension' of the previous partial Site of Local Importance for Nature Conservation (SLINC) designation endorsed by Sandwell's Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.

As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. It is assumed the SINC designation is being implemented across the entire site.

None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required.

The site was subject to an outline planning application and subsequent planning appeal for residential development with associated open space in the form of a countryside park. Wain Estates fundamentally disagrees with the overall conclusions reached by the Inspector in dismissing the appeal and the site is considered to be suitable for development for the reasons set out in our appeal submissions. However, we note the following from the Inspector's decision and based on the responses of the Council's representatives under cross-examination.

- The Council is only able to demonstrate a 1.4 year supply of deliverable housing sites currently. This is a significant shortfall and reflects persistent underdelivery over an extended period. It also has yet to be successfully addressed by actions identified by the Council. It is therefore a pressing matter which the Council will need to address within its emerging Plan.
- There is a current shortage of identified sites outside the Green Belt.
- Whether or not some release of Green Belt land may be justified to accommodate future growth remains a matter for the emerging Plan.
- Based on the most recent evidence at the time (the SHMA 2021), 6,517 affordable dwellings are required within the Borough during the period 2020-2039 (343 dwellings per annum). The level of need has increased over time and is reflected in a high number of entries on the Council's register. Delivery has again generally been below target, with the stock of affordable housing also suffering continued erosion as a result of right to buy.
- Occupants of development on the site would have good access to services and facilities.
- The Council agreed that impact on the SINC was capable of resolution through improvements in biodiversity.
- The Council agreed that the site could be enhanced by the proposed development to an extent where it could become recognised as a valued landscape.

Wain Estates therefore consider that the site is suitable for allocation for residential development and for the reasons set out in these representations it is considered that exceptional circumstances exist for the release of Green Belt land through the SLP.

Policy SDS1 – Spatial Strategy for Sandwell

Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221 ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is a shortfall of 15,916 homes.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be "significantly boosted" and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the "presumption in favour" and "titled planning balance" when it comes to determining applications. This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF's emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHV4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell's September 2024 Duty to Co-operate Statement. The table shows that whilst there are some 'offers' from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell's housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

"On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly out-performs Option D, although neither option would deliver sufficient housing to satisfy the identified need."

As part of a wider consortium, Wain Estates instructed the "Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area" report (copy enclosed at Appendix 1). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council's supply evidence at that time. This shortfall will only be exacerbated by Sandwell's approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell's shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan, which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell's own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS1 fails to meet the tests of soundness because:

1. It is not positively prepared – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is

accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. It is not justified – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land to help meet housing need.

3. It is not consistent with national policy – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Policy SH01 – Delivering Sustainable Housing Growth

Introduction

Policy SH01 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SH01 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues,

there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.

- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards, again questioning the suitability and availability of this land to support an allocation.
- SM2 SA 199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or
- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering

up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline, cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council's inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to “examine fully all other

reasonable options for meeting its identified need for development” before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for whether the strategy:

“(a) makes as much use as possible of suitable brownfield sites and underutilised land;

(b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SH01 fails to meet the tests of soundness because:

1. It is not positively prepared – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. It is not justified – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. It is not effective – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. It is not consistent with national policy – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Policy SDS7 – Sandwell's Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell's Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

“Sandwell green belt’s nature conservation, landscape, heritage and agricultural value will be protected and enhanced.”

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

“While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);
- c. by protecting tranquil areas and locations with ecological and historic value.

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell’s wider vision, which seeks to increase accessible open spaces, such spaces need to come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. It is not consistent with national policy – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.

Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHV4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. It is not justified – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.
2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Call for sites and Reg 18 consultation.

Appear exam: Appearance at the examination

Oral exam why: The omission of Peak House Farm as housing allocation

Attachments:

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: Wain Estates (Mr Nicholas Mills, Strategic Planning Manager) [290]

Date received: 11/11/2024 via Email

Summary:

Policy SDS7 – Sandwell's Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell's Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

“Sandwell green belt's nature conservation, landscape, heritage and agricultural value will be protected and enhanced.”

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

“While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);
- c. by protecting tranquil areas and locations with ecological and historic value.

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell's wider vision, which seeks to increase accessible open spaces, such spaces need to come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. It is not consistent with national policy – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.

Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Full text:

These representations are submitted by Wain Estates in response to the Sandwell Local Plan (SLP) Publication Version (Regulation 19) consultation, running between 23rd September and 11th November 2024.

Wain Estates has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

Wain Estates have been actively promoting land to the north of Wilderness Lane, Great Barr for a sustainable residential development with associated infrastructure. The site has previously been referred to as “land at Birmingham Road” in previous representations, it also fell under site ref: SA-003-SAN in the Black Country Plan (BCP). Wain Estates are the single landowner for the entire site.

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is “sound”, as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the NPPF].

There is no statutory definition of “soundness”. However, the NPPF (§35) states that to be sound a Local Plan should be:

1. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
4. Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In addition, the Framework (§11) states that:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report demonstrates that a number of policies within the Local Plan require amendments in the context of the tests of soundness established by the Framework. Wain Estates has serious concerns with this version of the Sandwell Local Plan, and that to be sound, the issues can be addressed through amendments to the policies, interventions and the introduction of additional sustainable allocations in the Green Belt to ensure the housing requirements are met and the Green Belt boundaries endure beyond the Plan period.

In this context, it is important to note that the Minister of State, Matthew Pennycook MP recently wrote to the Chief Executive of the Planning Inspectorate¹ to outline that the examination process is not the right place for ‘deficient plans’ to be ‘fixed’ at examination. The hardline taken by Pennycook has been reflected by Inspectors imposing deadlines for Local Authorities to provide additional evidence and some plans being withdrawn such as Solihull Local Plan Review withdrawn on 9th October 2024. In the absence of the fundamental reconsideration of the SLP Wain Estates consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

Structure

These representations are structured as follows:

- Background to Land at Wilderness Lane, Great Barr
- Consideration of the relevant Local Plan matters and policies

Representations to the following Local Plan matters and policies are provided in this report:

1. Policy SDS1 – Spatial Strategy for Sandwell
2. Policy SHO1 – Delivering Sustainable Housing Growth
3. Policy SDS7 – Sandwell’s Green Belt
4. Policy SHO3 – Housing Density, Type and Accessibility

Appendices are also enclosed with these representations, for completeness and ease of reference.

Land at Wilderness Lane, Great Barr

Historic Site Promotion

Wain Estates (then named HIMOR) first made representations promoting the site to the BCP to the scope, issues, and options consultation (including a call for sites submission) in September 2017.

Since then, we have made a further call for sites submission for the BCP in September 2020, which included a new Vision Document prepared by FPCR. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered by the Council to be suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.

Further representations were submitted to the BCP Regulation 18 consultations in October 2021 and September 2022. The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans.

Representations were prepared to the Sandwell Local Plan Regulation 18 Issues and Options and further call for sites consultation in March 2023. Further representations were submitted to the Regulation 18 Preferred Options Consultation in December 2023 which are enclosed at Appendix I.

Site Context

The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site.

Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.

Land east and south of the site comprises residential development, with mainly semi-detached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.

The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

There are no Public Rights of Way (PROW) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.

In the immediate area is St. Margaret's C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.

The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south west to north east within the site.

Designations

The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site's wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of "non-designated" heritage assets, as detailed in the Planning Practice Guidance (PPG).

The site is not covered by any designation relating to its landscape character or quality, such as AONB.

The site lies fully within Flood zone 1 (lowest level of risk).

The site lies fully within the West Midlands Green Belt.

An area within the western part of the site falls within a Minerals Safeguarding Area (MSA).

The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.

The site does appear to fall within the Peak House Farm Site of Importance for Nature Conservation (SINC), this represents an 'upgrade and extension' of the previous partial Site of Local Importance for Nature Conservation (SLINC) designation endorsed by Sandwell's Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.

As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. It is assumed the SINC designation is being implemented across the entire site.

None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required.

The site was subject to an outline planning application and subsequent planning appeal for residential development with associated open space in the form of a countryside park. Wain Estates fundamentally disagrees with the overall conclusions reached by the Inspector in dismissing the appeal and the site is considered to be suitable for development for the reasons set out in our appeal submissions. However, we note the following from the Inspector's decision and based on the responses of the Council's representatives under cross-examination.

- The Council is only able to demonstrate a 1.4 year supply of deliverable housing sites currently. This is a significant shortfall and reflects persistent underdelivery over an extended period. It also has yet to be successfully addressed by actions identified by the Council. It is therefore a pressing matter which the Council will need to address within its emerging Plan.
- There is a current shortage of identified sites outside the Green Belt.
- Whether or not some release of Green Belt land may be justified to accommodate future growth remains a matter for the emerging Plan.
- Based on the most recent evidence at the time (the SHMA 2021), 6,517 affordable dwellings are required within the Borough during the period 2020-2039 (343 dwellings per annum). The level of need has increased over time and is reflected in a high number of entries on the Council's register. Delivery has again generally been below target, with the stock of affordable housing also suffering continued erosion as a result of right to buy.
- Occupants of development on the site would have good access to services and facilities.
- The Council agreed that impact on the SINC was capable of resolution through improvements in biodiversity.
- The Council agreed that the site could be enhanced by the proposed development to an extent where it could become recognised as a valued landscape.

Wain Estates therefore consider that the site is suitable for allocation for residential development and for the reasons set out in these representations it is considered that exceptional circumstances exist for the release of Green Belt land through the SLP.

Policy SDS1 – Spatial Strategy for Sandwell

Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221 ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is a shortfall of 15,916 homes.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be "significantly boosted" and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the "presumption in favour" and "titled planning balance" when it comes to determining applications. This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF's emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell's September 2024 Duty to Co-operate Statement. The table shows that whilst there are some 'offers' from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell's housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

"On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly out-performs Option D, although neither option would deliver sufficient housing to satisfy the identified need."

As part of a wider consortium, Wain Estates instructed the "Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area" report (copy enclosed at Appendix 1). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council's supply evidence at that time. This shortfall will only be exacerbated by Sandwell's approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell's shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan, which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell's own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form.

A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in Appendix I of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS1 fails to meet the tests of soundness because:

1. It is not positively prepared – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. It is not justified – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land to help meet housing need.

3. It is not consistent with national policy – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Policy SHO1 – Delivering Sustainable Housing Growth

Introduction

Policy SHO1 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SHO1 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues, there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.
- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards, again questioning the suitability and availability of this land to support an allocation.
- SM2 SA 199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or
- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline, cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council’s inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to “examine fully all other

reasonable options for meeting its identified need for development” before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for whether the strategy:

“(a) makes as much use as possible of suitable brownfield sites and underutilised land;

(b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in Appendix I of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SH01 fails to meet the tests of soundness because:

1. It is not positively prepared – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. It is not justified – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. It is not effective – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. It is not consistent with national policy – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Policy SDS7 – Sandwell’s Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell’s Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

“Sandwell green belt’s nature conservation, landscape, heritage and agricultural value will be protected and enhanced.”

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

“While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);
- c. by protecting tranquil areas and locations with ecological and historic value.

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell’s wider vision, which seeks to increase accessible open spaces, such spaces need to come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. It is not consistent with national policy – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value. Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph

figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHV4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. It is not justified – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.
2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Change suggested by respondent:

-

Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Call for sites and Reg 18 consultation.

Appear exam: Appearance at the examination

Oral exam why: The omission of Peak House Farm as a housing allocation in the plan.

Attachments:

Document Element: Policy SHO3 - Housing Density, Type and Accessibility

Respondent: Wain Estates (Mr Nicholas Mills, Strategic Planning Manager) [290]

Date received: 11/11/2024 via Email

Summary:

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. It is not justified – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.
2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Full text:

These representations are submitted by Wain Estates in response to the Sandwell Local Plan (SLP) Publication Version (Regulation 19) consultation, running between 23rd September and 11th November 2024.

Wain Estates has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

Wain Estates have been actively promoting land to the north of Wilderness Lane, Great Barr for a sustainable residential development with associated infrastructure. The site has previously been referred to as “land at Birmingham Road” in previous representations, it also fell under site ref: SA-003-SAN in the Black Country Plan (BCP). Wain Estates are the single landowner for the entire site.

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is “sound”, as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the NPPF].

There is no statutory definition of “soundness”. However, the NPPF (§35) states that to be sound a Local Plan should be:

1. Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
4. Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In addition, the Framework (§11) states that:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that

cannot be met within neighbouring areas⁶, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report demonstrates that a number of policies within the Local Plan require amendments in the context of the tests of soundness established by the Framework. Wain Estates has serious concerns with this version of the Sandwell Local Plan, and that to be sound, the issues can be addressed through amendments to the policies, interventions and the introduction of additional sustainable allocations in the Green Belt to ensure the housing requirements are met and the Green Belt boundaries endure beyond the Plan period.

In this context, it is important to note that the Minister of State, Matthew Pennycook MP recently wrote to the Chief Executive of the Planning Inspectorate¹ to outline that the examination process is not the right place for 'deficient plans' to be 'fixed' at examination. The hardline taken by Pennycook has been reflected by Inspectors imposing deadlines for Local Authorities to provide additional evidence and some plans being withdrawn such as Solihull Local Plan Review withdrawn on 9th October 2024. In the absence of the fundamental reconsideration of the SLP Wain Estates consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

Structure

These representations are structured as follows:

- Background to Land at Wilderness Lane, Great Barr
- Consideration of the relevant Local Plan matters and policies

Representations to the following Local Plan matters and policies are provided in this report:

1. Policy SDS1 – Spatial Strategy for Sandwell
 2. Policy SHO1 – Delivering Sustainable Housing Growth
 3. Policy SDS7 – Sandwell's Green Belt
 4. Policy SHO3 – Housing Density, Type and Accessibility
- Appendices are also enclosed with these representations, for completeness and ease of reference.

Land at Wilderness Lane, Great Barr

Historic Site Promotion

Wain Estates (then named HIMOR) first made representations promoting the site to the BCP to the scope, issues, and options consultation (including a call for sites submission) in September 2017.

Since then, we have made a further call for sites submission for the BCP in September 2020, which included a new Vision Document prepared by FPCR. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered by the Council to be suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.

Further representations were submitted to the BCP Regulation 18 consultations in October 2021 and September 2022. The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans.

Representations were prepared to the Sandwell Local Plan Regulation 18 Issues and Options and further call for sites consultation in March 2023. Further representations were submitted to the Regulation 18 Preferred Options Consultation in December 2023 which are enclosed at Appendix I.

Site Context

The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site.

Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.

Land east and south of the site comprises residential development, with mainly semi-detached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.

The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

There are no Public Rights of Way (PROW) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.

In the immediate area is St. Margaret's C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.

The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south

west to north east within the site.

Designations

The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site's wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of "non-designated" heritage assets, as detailed in the Planning Practice Guidance (PPG).

The site is not covered by any designation relating to its landscape character or quality, such as AONB.

The site lies fully within Flood zone 1 (lowest level of risk).

The site lies fully within the West Midlands Green Belt.

An area within the western part of the site falls within a Minerals Safeguarding Area (MSA).

The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.

The site does appear to fall within the Peak House Farm Site of Importance for Nature Conservation (SINC), this represents an 'upgrade and extension' of the previous partial Site of Local Importance for Nature Conservation (SLINC) designation endorsed by Sandwell's Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.

As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. It is assumed the SINC designation is being implemented across the entire site.

None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required.

The site was subject to an outline planning application and subsequent planning appeal for residential development with associated open space in the form of a countryside park. Wain Estates fundamentally disagrees with the overall conclusions reached by the Inspector in dismissing the appeal and the site is considered to be suitable for development for the reasons set out in our appeal submissions. However, we note the following from the Inspector's decision and based on the responses of the Council's representatives under cross-examination.

- The Council is only able to demonstrate a 1.4 year supply of deliverable housing sites currently. This is a significant shortfall and reflects persistent underdelivery over an extended period. It also has yet to be successfully addressed by actions identified by the Council. It is therefore a pressing matter which the Council will need to address within its emerging Plan.
- There is a current shortage of identified sites outside the Green Belt.
- Whether or not some release of Green Belt land may be justified to accommodate future growth remains a matter for the emerging Plan.
- Based on the most recent evidence at the time (the SHMA 2021), 6,517 affordable dwellings are required within the Borough during the period 2020-2039 (343 dwellings per annum). The level of need has increased over time and is reflected in a high number of entries on the Council's register. Delivery has again generally been below target, with the stock of affordable housing also suffering continued erosion as a result of right to buy.
- Occupants of development on the site would have good access to services and facilities.
- The Council agreed that impact on the SINC was capable of resolution through improvements in biodiversity.
- The Council agreed that the site could be enhanced by the proposed development to an extent where it could become recognised as a valued landscape.

Wain Estates therefore consider that the site is suitable for allocation for residential development and for the reasons set out in these representations it is considered that exceptional circumstances exist for the release of Green Belt land through the SLP.

Policy SDS1 – Spatial Strategy for Sandwell

Introduction

Policy SDS1 provides the overarching strategy for Sandwell, setting out the broad scale and distribution of new development for the Plan period 2024 to 2041. The policy proposes to deliver at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes supported by adequate infrastructure and maintain the ongoing provision of around 1,221ha of allocated employment land (of which 28ha is currently vacant).

Housing Requirement

Wain Estates has serious concerns with the proposed housing deliver in the SLP. Policy SDS1 fails significantly to meet the basic housing needs of Sandwell, as established via their own objectively assessed needs (OAN). Whilst the SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, this compares to an identified local housing need of 26,350 homes; and the SLP itself (§3.13) recognises that there is a shortfall of 15,916 homes.

As a percentage, the proposed supply in the draft plan represents just 40% (rounded) of the borough's total housing needs. This is unacceptable, in both the immediate context and historic undersupply, but also when looking at the wider national level and Government objectives enshrined within the NPPF, particularly §60 which requires the supply of homes to be "significantly boosted" and importantly that a sufficient amount and variety of land can come forward where it is needed and to ensure the needs of groups with specific housing requirements are addressed. Due to this, difficult decisions need to be made with regards to the proposed spatial strategy, including consideration of Green Belt land release, without which is artificially restricting the development potential within Sandwell.

In this regard, we note the new Labour Government's intentions to deliver 1.5 million new homes over the next 5 years and provide greater flexibility for the release of Green Belt to help achieve this aim. The SLP may benefit from the transitional arrangements proposed in the new NPPF. However, given that the proposed housing requirement is more than 200 dwellings lower than the relevant published Local Housing Need figure, the Council will likely need to commence a review of the plan at the earliest opportunity to align with the new national policy. Similarly, if it is found to be unsound, any new Plan proposed would also need to be considered under the new NPPF.

The starting point of a new Local Plan cannot be the continued chronic under-provision of housing, such that the existing delivery issues will be further exacerbated. As evidenced by the latest Housing Delivery Test Result (2022 measurement) – being just 47%, one of the lowest in the county and automatically evoking the “presumption in favour” and “titled planning balance” when it comes to determining applications. This coupled with the latest Five-Year Housing Land Supply Figures released in May 2024, which have only worsened since the previous year, dropping from 1.57 years to 1.4 years supply, provides clear evidence that the current spatial strategy is not fit for purpose. This historic underperformance in meeting housing needs, also needs to be viewed within the context of the NPPF’s emphasis on needing to boost the supply of housing, and the clear upward direction of travel of national policy in this respect.

To help address this shortfall, emerging Policy SH03 Housing Density, Type and Accessibility seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures. The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHW4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

To further help to address the shortfall, Sandwell are proposing to utilise the Duty-to-Cooperate (DtC) with neighbouring authorities within the same Housing Market Area, or with which Sandwell has a physical or functional relationship. This is despite the fact that Birmingham City Council has already said that it does not have enough space to meet its own housing need.

Table 1 of the SLP sets out potential DtC contributions to date. The table is also replicated in Sandwell’s September 2024 Duty to Co-operate Statement. The table shows that whilst there are some ‘offers’ from neighbouring LPAs to meet wider-than-local housing needs, there is no confirmed apportionment of Sandwell’s housing need to other local authority areas. The September 2024 Duty to Co-operate Statement also notes (§32) that some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and given the known gap between need and supply.

Sandwell note in the SLP (§3.17) that this approach may only address a small proportion of the identified housing shortfall and therefore if this position remains then further work will be undertaken as appropriate to identify how this shortfall can be addressed. This position is reflected in the supporting Sustainability Appraisal (SA) §5.3.9 which concludes that,

“On balance, Option E is identified as the best performing option, assuming that a large proportion of growth under this option would be on previously developed land and within the existing centres, with the benefits in terms of regeneration meaning this option slightly out-performs Option D, although neither option would deliver sufficient housing to satisfy the identified need.”

As part of a wider consortium, Wain Estates instructed the “Falling Even Shorter: an updated review of unmet housing needs in the Greater Birmingham and Black Country Housing Market Area” report (copy enclosed at Appendix 1). This report finds that the wider HMA has a shortfall of between 34,742 and 40,676 homes up to 2031, 62,373 homes up to 2036, and 79,737 homes up to 2040 based on each Council’s supply evidence at that time. This shortfall will only be exacerbated by Sandwell’s approach, with other HMA authorities likely to be able to make a very limited contribution to Sandwell’s shortfall.

It therefore is clear that the additional work identified in the SA will be required to meet the housing shortfall, the historic approach to the spatial strategy is being undertaken as part of the emerging local plan, a strategy which was in place for the currently adopted Local Plan, which has resulted in the chronic under delivery of both market and affordable housing.

Wain Estates are of the view that the scale of Sandwell’s own shortfall alone, beyond considering the unmet needs of the wider HMA, amount to exceptional circumstances for reviewing the Green Belt boundaries. This additional work should therefore begin now, prior to the submission of the SLP for examination and a fresh approach to assessing the capacity for housing within the borough should be undertaken, which includes an assessment of Green Belt sites for potential release.

The site on land north of Wilderness Lane is a clear example of the availability of such sites, which are not technically constrained, are in an accessible location, provide the ability to offer enhanced access to the open countryside for recreation purposes and also provide housing in the least sensitive areas of the Green Belt (whilst retaining the majority of it), adjacent to existing built form.

A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites.

The evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SDS1 fails to meet the tests of soundness because:

1. It is not positively prepared – The NPPF requires local plans to provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. The Council by their own admission have submitted a strategy which falls substantially short of providing a strategy which meets their OAN, which should be seen as a minimum requirement within the extract above. Even in meeting the substantially short figures there is a reliance on maximising out housing densities, in an era where development pressures to deliver supporting features beyond just housing – BNG, sustainability measures etc often restrict this capability.

The duty-to-cooperate is also proposed to be utilised to account for this unmet need, but there is no clear strategy or commitment from neighbouring authorities that this would be achievable in part or as a whole. This is therefore not a sustainable approach to development and will inevitably result in the very purpose of the SLP – being to promote growth in planned manner, falling away, likely resulting in mass speculative development, in order for housing needs to be met.

2. It is not justified – It is not an appropriate strategy, taking into account the reasonable alternatives, including the release of Green Belt land

to help meet housing need.

3. It is not consistent with national policy – it will fail to create a sufficient range and choice of new homes to enable the delivery of sustainable development in accordance with the policies in the NPPF.

Recommended Change

Wain Estates are of the view that there are exceptional circumstances for reviewing Sandwell's Green Belt boundaries. A further review of the Green Belt is therefore necessary in order to assess how the boundaries should be amended to maximise the potential for the most sustainable sites. An example of this is the land north of Wilderness Lane site.

This additional work should begin now, prior to the submission of the SLP for examination to avoid an inevitable recommendation from the examining Inspector's to withdraw the Plan in line with Matthew Pennycook's direction.

Policy SH01 – Delivering Sustainable Housing Growth

Introduction

Policy SH01 states that sufficient land will be provided to deliver at least 10,434 net new homes over the period 2024 – 2041. The key sources of housing land supply are summarised in Table 5, of the SLP which also provides an indicative number of homes to be delivered in the following timeframes: 2024 – 2029, 2029 – 2034, 2034 – 2039 and 2039 – 2041. Housing allocations are set out in Appendix B of the SLP.

Housing Delivery

Policy SH01 Delivering Sustainable Housing Growth and the elements which make up the proposed housing supply of 10,434 new homes, Wain Estates have significant concerns regarding the sources which make up this already insufficient number of homes.

Within Table 5 of the above emerging policy, the first source of the housing land supply is made up of sites currently under construction (889 homes), with planning permission or prior approval (884 homes) and sites with other commitments (41 homes). Therefore, 1,814 homes included within the figures, are made up of the current supply.

The second source is made up of housing allocations, comprising occupied employment land (2,243 homes), other non-occupied employment land (2,304 homes), sites with planning permission (1,620 homes) and sites under construction (76 homes). Therefore, 1,696 homes included within the housing allocations are made up of current / existing supply (calculated by adding together sites with existing planning permission and sites under construction).

Of the remaining allocations, despite the occupied employment land (2,243 homes) having a 15% discount figure applied, in recognition of the fact that there can be multiple delivery constraints, this in itself does not mean that there is capability of the full 2,243 homes to be delivered given that these sites are in active use for employment.

It has also been demonstrated through the previous Black Country Plan that such approaches are not effective for delivering housing. As part of the Black Country Core Strategy (BCCS) a total of 16,182 homes were allocated on occupied employment land. According to §2.1.29 of the Black Country Urban Capacity Review Update (May 2021) only 679 (4.2%) of those homes have been delivered to date (with less than five years of the plan period remaining).

Furthermore, as recognised in our previous representations, not only is the delivery of housing on such sites questionable, but it also reduces the ability for the Council to provide a sufficient supply of employment sites, of which the Council recognise there are also not enough being provided for as part of the emerging SLP. Paragraph 8.14 of the SLP notes that 170ha of the employment land need arising in Sandwell cannot be met solely within the Borough, and that the unmet need is to be exported to neighbouring authorities, as part of ongoing duty-to-cooperate work, which is yet to be secured.

It is good practice to ensure that any elements of housing supply included in a council's figures, are suitable, available, and achievable of being viably developed. Wain Estates are of the view that there has not been enough evidence provided for the proposed allocations on occupied employment land, as a robust element of the housing supply.

Taking the above into account, only 2,304 homes (see Table 5 Housing Land Supply Sources within emerging Policy SH01) are allocated which are not made up of existing commitments or situated on occupied employment land, this is a very minor figure when compared to both the proposed delivery of 10,434 net new homes over the plan period and even more so when compared to the actual housing need of 26,350 new homes.

Looking into more detail at some of the proposed allocations, as recognised by the Council when looking at Appendix B of the SLP, they are also not without their constraints and limitations, further demonstrating that the indicative capacity could be further reduced, resulting in an even lower number of housing allocations. For example:

- SH2 (SA 12) Land adjacent to Asda, Wolverhampton Road, Oldbury is proposed for 62 homes, but it has access issues which need to be overcome in order to be deliverable, questioning the suitability of this allocation.
- SH26 (66) Lower City Road, Oldbury is proposed for 73 homes but has constraints including land remediation and site assembly issues, there also only appears to be interest from some land owners looking to bring the site forward, so also potential ownership issues to overcome, questioning the suitability and availability of this land to support an allocation.
- SH25 (SA 65) Bradleys Lane / High Street, Tipton proposed for 189 homes however, this site also has site assembly and land contamination issues to be overcome, it also requires the current owners to find a place to relocate their business before development can come forwards, again questioning the suitability and availability of this land to support an allocation.
- SM2 SA 199 Lion Farm Oldbury, is proposed for a mix of uses, including the provision of 200 homes. However, it relies on relocation of 6 sports pitches to the south of borough, which is arguably not a minor feat. This brings into question the availability and achievability of the land to support an allocation.
- SM1 SA 91 Chances Glass Works, is proposed for a mix of uses including 276 homes, this is a heritage led regeneration project given its recognised constraints which are a Grade II listed building, Scheduled Ancient Monument and Galton Valley Conservation Area, the complexity of such a project brings into question the timescales and the potential delivery of the proposed housing numbers, given the statutory protections given to these heritage constraints, again questioning the suitability and achievability of this site to support an

allocation.

The third part of the housing supply is made up of windfall units, a total of 2,100 are being proposed. However, the delivery of this level of homes is questioned when the restrictive nature of windfall provision within the SLP is assessed. Often and as recognised within the NPPF, the provision of windfall units can help contribute to meeting anticipated housing supply needs, where this aligns with compelling evidence, they can provide a reliable source of supply (§72).

Wain Estates consider that the delivery of such windfall units will be highly restricted given the limitations placed within emerging Policy SH02 – Windfall Developments. The policy allows for windfall development on previously developed land without exception, but for greenfield sites, windfall development is only allowed subject to certain conditions. These conditions are:

- That the site is not protected as community open space or
- The site is council owned land surplus to requirements or
- The development of the site will bring an under-used piece of land back into beneficial use and will not harm the environmental, ecological, or historic value of the site and the wider area, in accordance with other relevant policies in the SLP

The justification text to the policy notes that windfall sites are likely to include surplus public land, small non-conforming employment uses and some residential intensification sites where appropriate. However, greenfield sites are only permitted where they conform with the bulleted list above. Such restrictions are overly onerous and severely limit the capability for windfall sites on greenfield land to come forwards. This is also not in conformity with the definition of windfall development contained within the NPPF (Annex 2 – Glossary), which simply states that windfall sites are sites not specifically identified in the development plan. Again, placing unnecessary restrictions on the delivery of housing, for a number that is already significantly below the required capacity.

The fourth part of the housing supply is made up of additional floorspace in centres (172 homes). This element makes up a very small part of the overall proposed supply figures. It demonstrates the limitations that emerge from seeking to maximise land on brownfield sites, and the misconception that such spaces are often not being utilised to the best of their ability.

Overall, the elements which make up the already under-delivering housing land supply as part of the emerging SLP are seen to be questionable.

- Firstly, there is a large reliance on existing commitments, as sites with planning permission or already under construction are included to make up the housing numbers.
- Secondly, the level of allocations which are included on occupied employment sites is high and such sites are known to be slow at delivering and riddled with issues which slow down or prevent the development for more vulnerable residential uses, in addition to the fact they will result in a loss of employment floorspace, for which there is a recognised need within the borough.
- Thirdly, the proposed allocations themselves are not without issues to overcome – such as access, site assembly, land ownership and remediation – which are not insubstantial.
- Finally, the overly restrictive nature of the windfall housing policy means there is a severe limit as to where such sites can come forward and on what type of land, despite the NPPF not stipulating such limitations exist.

In light of the above, Wain Estates are of the view that exceptional circumstances exist in terms of both the scale of unmet need and the likely under delivery of the proposed supply. It is therefore essential that Sandwell reviews its Green Belt boundaries, to ensure it meets its housing needs in the least sensitive locations. As noted above, in the absence of the fundamental reconsideration of the SLP we consider that submitted in its current form the Plan would have to be withdrawn or for the Planning Inspectorate to recommend that the Plan is not adopted. This would result in a substantial amount of abortive work, wasted resource and significant delays to the Plan.

It is well evidenced that greenfield land will deliver much quicker than brownfield land, where issues of land assembly and remediation severely delay the delivery of housing. It should also be acknowledged that removing land from the Green Belt can also be offset through compensatory improvements to the environmental quality and the accessibility of remaining

Green Belt land as well as providing improvements to Green Infrastructure (GI) provision. Overall, the Council must “turn on all taps of supply” if it is to meet its housing needs.

As emphasised throughout this representation, an example of this is the land North of Wilderness Lane site.

Turning to affordable housing, the Sandwell Housing Market Assessment Update (August 2024) indicates that the total annual affordable housing need in Sandwell now stands at 365 dwellings per annum (dpa) over the plan period. This is a key issue in terms of the housing supply within the borough, whereby a chronic shortfall has been identified and has historically only worsened. The 25% requirement figure contained within emerging Policy SH04 represents a 5% increase on the existing requirement, which has not been delivering to the levels expected. This demonstrates that the Council must increase its overall supply, in order to increase the supply of affordable housing.

On brownfield sites where additional remediation costs are to be factored into viability considerations, meeting increased and even the basic affordable housing requirements is challenging, demonstrating why Green Belt release of greenfield sites would further assist in meeting the chronic shortfall in both market and specifically affordable housing needs within Sandwell.

The explanatory text for the policy (§7.25) also notes the aspiration of providing affordable housing through a range of schemes delivering up to 100% funding through grant and other financial sources. However, as reflected in the wording of the policy, this is just that – aspirational. It is likely to be particularly difficult given the already stretched nature of government funding and the lengthy process of applying for such funding.

Wain Estates suggest that further evidence of the delivery of such schemes coming forward or having funding secured needs to be included within the evidence base to support this policy, in order to make it more robust and increase the chances of such developments coming forward.

Exceptional Circumstances for Green Belt Release

The purpose of plan-making is to be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable (§16 of the NPPF). A plan that only provides for around 40% of its housing requirement, using the standard method baseline,

cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.

Wain Estates consider that the Council's inability to meet their own housing need in the midst of a housing crisis, is an important factor that constitutes the exceptional circumstances that justify Green Belt release. As this is a housing focused representation, employment needs are not explored in detail, however it is clear from reviewing the proposed plan that it proposes not only significant unmet housing need but also a significant unmet employment need. This will only be exacerbated by the anticipated loss of current employment sites for housing, as identified within emerging Policy SH01 and the 2,243 homes proposed to come forward as allocations on occupied employment land. The adverse consequences of not meeting the basic housing or employment needs, demonstrate the exceptional circumstances which are required to justify Green Belt release.

The approach to Green Belt boundary reviews is set out in the NPPF at paragraphs 145 and 146. Paragraph 146 states that the policy making authority need to "examine fully all other

reasonable options for meeting its identified need for development" before concluding if exceptional circumstances exist to justify changes to Green Belt boundaries. It then goes on to state account needs to be taken for whether the strategy:

"(a) makes as much use as possible of suitable brownfield sites and underutilised land;

(b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

(c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

As discussed previously, all three of these elements have been included within the proposed spatial strategy, however, are not without their own constraints and when combined, still fall woefully short of meeting the minimum requirements of the identified OAN for Sandwell. This alone demonstrates that exceptional circumstances exist for Sandwell to review its Green Belt boundaries. The release of land within the Green Belt needs to be further explored, to allow for plan-led development in the future, particularly when also coupled with the inability to also meet required employment land needs. For this reason, Wain Estates suggest a further review of the Green Belt is undertaken, to identify the most sustainably located sites, in line with §146 of the NPPF.

A clear example of such a site is land North of Wilderness Lane, Great Barr. As noted above, the evidence provided in Appendix 1 of these representations demonstrates that the release of land north of Wilderness Lane would result in minimal harm to the Green Belt when judged in isolation and with regard to the development options identified.

Tests of Soundness

Wain Estates consider that Policy SH01 fails to meet the tests of soundness because:

1. It is not positively prepared – Paragraph 16 of the NPPF states that plans should be positively prepared and set out a long term vision for the area, in a way that is aspirational but deliverable. The SLP only provides for around 40% of its housing requirement, using the standard method baseline, and cannot possibly meet these purposes or deliver the minimum requirement for housing. This is simply not acceptable and does not represent an effective use of the plan-led system.
2. It is not justified – The proposed approach in the SLP is not an appropriate strategy, the Council needs to consider the release of Green Belt land to help accommodate the massive shortfall in the provision of new homes when assessed against the LHN.
3. It is not effective – The proposed approach in the SLP relies on the development of land on which delivery is hugely uncertain, including occupied employment sites, sites with unresolved technical, site assembly, land ownership and remediation issues, and an overly restrictive windfall policy which will impact the delivery of windfall sites.
4. It is not consistent with national policy – The NPPF (§145) states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified. For the reasons set out above, exceptional circumstances for Green Belt release are considered to exist in Sandwell.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. A further review of the Green Belt should be undertaken, to identify the most sustainably located sites, in line with §147 of the NPPF.
2. Following this review, Green Belt land should be released and allocated for residential development.
3. Land North of Wilderness Lane should be allocated for new homes on this basis.

Policy SDS7 – Sandwell's Green Belt

Introduction

Policy SDS7 provides guidance for the approach to Sandwell's Green Belt, which will be applied to any development proposed in the Green Belt once the plan is adopted.

Consideration of Policy

Criterion 2 of the policy notes that:

"Sandwell green belt's nature conservation, landscape, heritage and agricultural value will be protected and enhanced."

Wain Estates have concerns with the wording of Criterion 2, as it implies that the Green Belt is a designation of both environmental and heritage value, this is not the case, it is a spatial designation for which there can also be both environmental and heritage features and designations within it.

This type of wording adds confusion to the purposes of the Green Belt and the value placed upon its protection. This is recognised in the supporting text to the policy at §3.98 which states that:

"While green belt is not itself a reflection of landscape quality or value, large parts of the local green belt are also identified as being of

significant historic, environmental and landscape importance”.

Wain Estates suggest that the policy wording is amended to make clearer the difference between the spatial designation and the purposes of the Green Belt and the distinction between this and environmental and heritage designations.

Criterion 3 of the policy states that:

Opportunities will be taken to improve the value and recreational role of the green belt in Sandwell Valley:

- a. through improving safe accessibility for all users;
- b. by providing facilities for active and passive recreation (if this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it);
- c. by protecting tranquil areas and locations with ecological and historic value.

It must be recognised that in order to improve the value and recreational role of the Green Belt in Sandwell, development will likely need to occur. Land within private ownership is not accessible to the public for these purposes, enhancing access will only come as a compensatory improvement as part of future development proposals through planning applications.

Providing such improvements would form part of a two-way process of negotiation as part of future planning applications, with the provision of housing potentially acting as an enabler, to allow the council to meet the enhanced recreational role of the Green Belt. This also supports Sandwell's wider vision, which seeks to increase accessible open spaces, such spaces need to come from somewhere, the Green Belt is a key facilitator for this, however it will not come forward of its own accord.

Tests of Soundness

Wain Estates consider that Policy SHO1 fails to meet the tests of soundness because:

1. It is not consistent with national policy – Criterion 2 of the policy creates confusion on the purposes of the Green Belt and the value placed upon its protection. The NPPF (§142) is clear that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.

Criterion 3 does not currently recognise §147 of the NPPF which advises that compensatory improvements to the environmental quality and accessibility of remaining Green Belt land can be secured to offset the impact of removing land from the Green Belt.

Recommended Change

To address the conflicts above and ensure the Local Plan is sound, it is requested that the Council:

1. Modify the policy to clarify that Green Belt is a spatial designation and not a reflection of landscape and historic quality or value.
2. Amend Criterion 3 to recognise that opportunities to improve the value and recreational role of the Green Belt can be achieved through compensatory improvements, in accordance with the NPPF (§147)

Policy SHO3 – Housing Density, Type and Accessibility

Introduction

Policy SHO3 states that all developments of ten homes or more should achieve the minimum net densities identified in Criterion 3.

Consideration of Policy

Criterion 3 of the policy seeks to provide substantial uplifts to minimum density requirements to maximise the most efficient use of land. This has resulted in a range from 40dph, to 45dph to 100dph in West Bromwich. These densities are much higher than the typical 25-30dph figures.

The policy notes that further detailed design requirements will come forward in relation to these densities as part of future Sandwell Design Codes. However, with the growing pressures on development to provide more than just housing, such as the 10% BNG (with onsite provision as a preference), accessibility requirements such as the provision of part M4(2) dwellings for all developments (emerging Policy SH05), the need for sites of 2ha or larger to provide new unrestricted open space at a minimum ratio of 3.26 hectares of space per 1,000 population on site (emerging Policy SHV4) all place additional demand for space on site, which may mean that the high minimum density standards cannot be met, resulting in an even lower number of housing units being capable of being provided within Sandwell.

Tests of Soundness

Wain Estates consider that Policy SHO3 fails to meet the tests of soundness because:

1. It is not justified – The proposed approach in the SLP is not an appropriate strategy in light of the above comments. The Council needs to consider the release of Green Belt land to help meet the need for new homes, rather than seeking to achieve unrealistically high densities which may not be attainable.

Recommended Change

To address the conflict above and ensure the Local Plan is sound, it is requested that the Council:

1. Review the densities identified in Criterion 3.
2. Use Green Belt release as a mechanism to deliver the significant shortfall in new homes which would fail to be delivered through the strategy currently proposed in the SLP.

Change suggested by respondent:

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Legally compliant: Yes

Sound: No

Comply with duty: Not specified

Raise LPA: Yes

Raise LPA Why?: Call for sites and Reg 18 consultation.

Appear exam: Appearance at the examination

Oral exam why: The omission of Peak House Farm as housing allocation.

Attachments:

Document Element: 1. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: Walsall Council (Liz Forster) [313]

Date received: 08/11/2024 via Email

Summary:

The publication version of the plan contains in common with the previous draft plan a large number of policies on various topics. Most of these are site-specific or are about development management. As such, they raise no direct concerns for Walsall. The plan 'carries forward' existing site-specific proposals.

Under the current standard method, not taking account of the July 2024 government consultation that proposes to change it, the annual local housing need for Sandwell, using the current year as the starting date, is 1,550 homes per annum. The revised method would reduce this slightly, to 1,509 homes per annum. However, the transitional arrangements proposed in the consultation state that the current standard method would continue to apply to local plans submitted for examination within one month of any revised NPPF coming into effect.

There is no standard national method for calculating the need for employment land. The need for the Black Country has been calculated through a combination of projecting recent trends in employment land completions and economic forecasts based on the expected future workforce.

The annual housing supply proposed in the publication plan has increased slightly compared with the draft plan from 588 to 614. The proposed supply of additional employment land has also increased, from 29 to 42 hectares. All of these figures remain well below those required to meet local need, but they are higher than was proposed in the draft Black Country Plan (BCP). The BCP proposed 9,158 homes (482 per annum) and 29 hectares of new employment land. This increase in provision means that the number of homes and amount of employment land that will need to be exported to neighbouring authorities (including Walsall) will be reduced.

It is recognised that Sandwell is heavily constrained, being surrounded by other urban authorities. It has very little Green Belt (most of this comprises Sandwell Valley) and very few vacant or unused open spaces. Walsall's planning committee on 9 March 2023 and 30 October 2023, and cabinet on 22 March 2023, recognised this factor in response to consultation on the earlier drafts of Sandwell's local plan. Walsall's response was that the plan should aim to ensure that Sandwell is able to accommodate as much housing and employment as possible to meet its own needs by making effective use of land and maximising densities.

As such, the local plan (publication stage) can be supported.

Full text:

Policy Implications

The nature of the Black Country is that the supply of land for housing, employment and other land use requirements overlap between the authorities. Sandwell is physically constrained with insufficient land available to meet its own needs. As a result, some its need is expected to be met by neighbouring authorities, notably Walsall and Dudley, and 'exported' to other areas such as Staffordshire and Shropshire. The extent to which the proposed Sandwell Local Plan meets Sandwell's needs will therefore have implications for the need expected to be met in the Walsall Borough Local Plan.

The current consultation from Sandwell Council is in respect of the regulation 19 version of their local plan. This is the final version of the plan before it is submitted for examination. At regulation 19 stage, it is only possible to comment on whether the local plan is legally compliant and meets the tests of 'soundness' as set out in legislation and the National Planning Policy Framework (NPPF).

The previous stage of the Sandwell local plan, the draft plan, which was published in November 2023, included a strategic objective to deliver at least 11,167 net new homes, and at least 29 hectares of new employment land over the period 2022-2041. It also allocated 1,177 hectares of existing occupied employment land to be retained in this use. The Publication Plan reduces the number of homes to be provided to 10,434 but increases the amount of new employment land to be provided to 42 hectares. However, the time period to be covered by the Publication Plan is different (2024-41) so the number of new homes per annum has increased from 588 to 614.

Legal Implications

Local planning authorities are currently subject to a Duty to Cooperate with neighbouring planning authorities with regards to strategic cross boundary planning matters. The extent of engagement with neighbouring authorities will be tested as part of the examination of the respective authority local plans.

Local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. The NPPF states that plans are 'sound' if, amongst other requirements, they seek to meet the area's objectively assessed needs; and are informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

Sandwell Local Plan – Proposed Walsall Response to Regulation 19 Publication Plan consultation

The publication version of the plan contains in common with the previous draft plan a large number of policies on various topics. Most of these are site-specific or are about development management. As such, they raise no direct concerns for Walsall. The plan 'carries forward' existing site-specific proposals.

Under the current standard method, not taking account of the July 2024 government consultation that proposes to change it, the annual local housing need for Sandwell, using the current year as the starting date, is 1,550 homes per annum. The revised method would reduce this slightly, to 1,509 homes per annum. However, the transitional arrangements proposed in the consultation state that the current standard method would continue to apply to local plans submitted for examination within one month of any revised NPPF coming into effect.

There is no standard national method for calculating the need for employment land. The need for the Black Country has been calculated through a combination of projecting recent trends in employment land completions and economic forecasts based on the expected future workforce.

The annual housing supply proposed in the publication plan has increased slightly compared with the draft plan from 588 to 614. The

proposed supply of additional employment land has also increased, from 29 to 42 hectares. All of these figures remain well below those required to meet local need, but they are higher than was proposed in the draft Black Country Plan (BCP). The BCP proposed 9,158 homes (482 per annum) and 29 hectares of new employment land. This increase in provision means that the number of homes and amount of employment land that will need to be exported to neighbouring authorities (including Walsall) will be reduced.

It is recognised that Sandwell is heavily constrained, being surrounded by other urban authorities. It has very little Green Belt (most of this comprises Sandwell Valley) and very few vacant or unused open spaces. Walsall's planning committee on 9 March 2023 and 30 October 2023, and cabinet on 22 March 2023, recognised this factor in response to consultation on the earlier drafts of Sandwell's local plan. Walsall's response was that the plan should aim to ensure that Sandwell is able to accommodate as much housing and employment as possible to meet its own needs by making effective use of land and maximising densities.

As such, the local plan (publication stage) can be supported.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Duty to Co-operate

Respondent: West Midlands Housing Association Planning Consortium [91]

Agent: Tetlow King Planning (Lisa LUONG) [329]

Date received: 11/11/2024 via Email

Summary:

Paragraph 3.13 on page 52 of the Draft Local Plan highlights a substantial shortfall in the local authority's ability to provide for the housing needs of its residents:

"The SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, compared to a local housing need of 26,350 (2024 – 2041) homes; this means there is a shortfall of 15,916 homes."

At first glance, this may seem like a reduction in the shortfall, compared to previous figures in the Regulation 18 Consultation Draft Local Plan. However, this impression may be misleading as the new figures cover a revised plan period from 2024 to 2041, which is two years shorter than the plan period outlined in the Regulation 18 Draft Local Plan, which spanned 2022 to 2041. Despite this adjustment, the shortfall remains significant. The Regulation 18 Consultation Draft Local Plan stated:

"This Plan aims to allocate sites for 11,167 new homes in Sandwell over the period 2022-41, compared to a local housing need of 29,773 (2022 – 2041) homes; this identifies a shortfall of 18,606 homes." (Emphasis added).

As we have previously discussed and given the ongoing shortfall, the WMHAPC is concerned that the Council is advancing the draft strategic housing policies without demonstrating how the housing gap will be addressed. Specifically, the Council has not shown that neighbouring authorities can absorb the shortfall while simultaneously meeting their own housing needs. This is a crucial issue that must be resolved under the Duty to Cooperate, and it should be clearly articulated in a Statement of Common Ground among all relevant parties. Without this, there is a risk that the housing needs of both Sandwell and the wider region will remain unmet. This is an acutely important matter.

At paragraph 3.18, page 53, it states that:

"Sandwell is committed to ongoing engagement with its neighbours to secure the most appropriate and sustainable locations for housing and employment growth to meet local needs. In terms of housing, the engagement will extend beyond the adoption of this plan and will build on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area."

While it is appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan Regulation 19 Duty to Co-operate Statement (September 2024) still leaves significant uncertainty regarding how the shortfall in housing will be addressed. The statement demonstrates that existing offers from neighbouring authorities (South Staffordshire, Cannock Chase, Lichfield and Shropshire) in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 15,916 homes required in Sandwell.

The WMHAPC is of the view that further work between Sandwell Borough Council and neighbouring authorities is needed before the strategic housing policies can progress and subsequently be found 'sound' at examination, as defined by Paragraph 35 of the NPPF (2023):

"Plans are 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."

At present the Draft Plan does not provide for the area's objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

Full text:

Draft Housing Need and Duty to Co-operate

Paragraph 3.13 on page 52 of the Draft Local Plan highlights a substantial shortfall in the local authority's ability to provide for the housing needs of its residents:

"The SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, compared to a local housing need of 26,350 (2024 – 2041) homes; this means there is a shortfall of 15,916 homes."

At first glance, this may seem like a reduction in the shortfall, compared to previous figures in the Regulation 18 Consultation Draft Local Plan. However, this impression may be misleading as the new figures cover a revised plan period from 2024 to 2041, which is two years shorter than the plan period outlined in the Regulation 18 Draft Local Plan, which spanned 2022 to 2041. Despite this adjustment, the shortfall remains significant. The Regulation 18 Consultation Draft Local Plan stated:

"This Plan aims to allocate sites for 11,167 new homes in Sandwell over the period 2022-41, compared to a local housing need of 29,773 (2022 – 2041) homes; this identifies a shortfall of 18,606 homes." (Emphasis added).

As we have previously discussed and given the ongoing shortfall, the WMHAPC is concerned that the Council is advancing the draft strategic housing policies without demonstrating how the housing gap will be addressed. Specifically, the Council has not shown that neighbouring authorities can absorb the shortfall while simultaneously meeting their own housing needs. This is a crucial issue that must be resolved under the Duty to Cooperate, and it should be clearly articulated in a Statement of Common Ground among all relevant parties. Without this, there is a risk that the housing needs of both Sandwell and the wider region will remain unmet. This is an acutely important matter.

At paragraph 3.18, page 53, it states that:

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While it appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan Regulation 19 Duty to Co-operate Statement (September 2024) still leaves significant uncertainty regarding how the shortfall in housing will be addressed. The statement demonstrates that existing offers from neighbouring authorities (South Staffordshire, Cannock Chase, Lichfield and Shropshire) in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 15,916 homes required in Sandwell.

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“Plans are ‘sound’ if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

At present the Draft Plan does not provide for the area’s objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

Draft Policy SDS7 – Sandwell’s Green Belt

Draft Policy SDS7 sets out Sandwell’s approach to implementing Green Belt policy. Supporting text to draft Policy SDS7 at paragraph 3.99 states:

“It is the Council’s view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of most of the rest of the borough.”

The WMHAPC is disappointed with the Council’s decision to maintain its stance of not adjusting the Green Belt boundary. This approach is concerning, particularly given the significant housing shortfall identified in the Local Plan. While the preservation of Green Belt land is important for environmental and recreational purposes, the refusal to even consider potential adjustments may limit the authority’s ability to address the urgent and growing housing needs of Sandwell.

The Green Belt serves a critical role in shaping sustainable development, but there are circumstances where a balanced review of its boundaries can offer opportunities to meet housing demand while still maintaining open space protections. The WMHAPC believes that by ruling out adjustments to the Green Belt boundary, the Council may be missing opportunities to identify suitable land for development, which could improve access to affordable housing.

In light of these concerns, the WMHAPC urges the Council to reconsider its position and adopt a more flexible approach that balances the need for housing growth with the importance of protecting valuable green spaces. A careful, strategic review of the Green Belt could potentially unlock areas for development that are both sustainable and beneficial to the community, helping to address the housing crisis without compromising the long-term environmental goals of the region.

Furthermore, paragraph 141 of the NPPF (2023) states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable for meeting its identified need for development should be considered. Paragraph 141 goes on to state “This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

In relation to points a), b) and c) of paragraph 141 of the NPPF (2023) and the discussion above relating to the duty-to-cooperate, the ability of neighbouring authorities to accommodate the shortfall in the housing needs of Sandwell remains uncertain.

Considering the above, the statement that there are no exceptional circumstances to warrant a Green Belt Review is somewhat questionable given that the Council does not have a comprehensive plan for how the shortfall in housing needs is going to be met.

The WMHAPC therefore strongly recommends that the Council takes a more level approach in meeting housing need within Sandwell’s Green Belt, including the allocation of additional housing sites to directly address the housing needs of local communities.

Draft Policy SHO4 - Affordable Housing

Given the significant need for new affordable homes in Sandwell, the WMHAPC suggests that a blanket affordable housing requirement of 25% on sites across the Borough would be more appropriate than the proposed stepped policy (currently based on a land value approach) that requires:

- 10% affordable housing on low value zones and brownfield sites in medium value zones;
- 15% affordable housing on greenfield sites in medium value zones; and

- 25% affordable housing on all sites in high value zones.

The WMHAPC asks the Council to consider a blanket 25% requirement for affordable housing to optimise the delivery of affordable housing across the Borough regardless of the land value. We previously queried the evidence based used for to justify the reduced affordable housing requirement on low value brownfield sites in which the policy proposes 15%. Furthermore, and in light of the Borough's considerable need for affordable housing as highlighted in the HEDNA (2024) of 278 dpa, the Council should avoid progressing an emerging policy that would potentially secure less affordable housing than current adopted Policy CSP6 which requires 25% affordable housing on qualifying sites.

Criteria 3 of the draft Policy SHOU4 Plan to require 25% as First Homes with the tenure split for affordable housing 'as defined in national guidance'. There are ongoing concerns regarding the Council's proposal to require 25% of affordable housing on-site to be First Homes. This approach heavily restricts the delivery of other effective affordable housing products such as affordable rent and shared ownership. The WMHAPC advises against this approach and recommends that the policy is amended to reference the latest housing needs assessment. This would provide greater flexibility to address evolving housing needs over the plan period and account for site-specific considerations.

Whilst the revised NPPF has not yet been adopted, it is important to note that the requirement for 25% of affordable tenures being First Homes has been proposed to be removed entirely by the new Government. Having spoken to our members and from our own experience, many housebuilders are generally not well-positioned to deliver First Homes, and this requirement may hinder development. Some of our members have relayed that they typically offer circa 70% of market value for shared ownership / intermediate housing and housebuilders generally prefer this offering over First Homes.

Furthermore, the justification text at paragraph 7.25 clearly identifies the similarities in requirements between Shared Ownership and First Homes, stating that:

"Rising house prices and low average incomes over a long period have made market housing increasingly unaffordable for many Sandwell households. The Sandwell HMA (2024) identifies a requirement for 17.5% of new homes to be made available for affordable or social rent, 7.8% to be shared ownership and 8.3% to be First Homes." (Emphasis added).

Criteria 6 of draft Policy SHOU4 seeks to secure affordable housing in perpetuity. However, there is currently no requirement in the NPPF (2023), nor in the Planning Practice Guidance, for all affordable housing to be secured in perpetuity. National policy is silent on the requirement to secure affordable housing in perpetuity, other than the specific reference to rural exception sites in Annex 2 of the NPPF (2023), which states:

"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding." (Emphasis added).

This principle is appropriate and supported by the WMHAPC as it facilitates the provision of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity is not supported. The WMHAPC is therefore disappointed that the Council have opted not incorporated previous concerns that new affordable housing proposed should only be required to be secured in perpetuity on rural exception sites.

One key issue is that securing affordable housing in perpetuity restricts lenders' appetite to fund development, as it imposes greater restrictions on individual properties, making mortgage provision more challenging. Private companies are also less inclined to invest in these developments if there is no prospect of realising the original investment and any returns. As such, the WMHAPC are of the firm view that affordable housing should only be secured in perpetuity on rural exception sites. The WMHAPC requests that, in line with national planning policy, the policy wording of draft Policy SHOU4 changed to only relate to rural exception sites.

As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this." Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: "All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations". It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that "In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation."

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to topography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: "evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes."

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine

the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

Criteria 3 of draft Policy SDM2 references a water efficiency standard of 110 litres per person per day, in line with Part G2 of the current Building Regulations or any successor legislation. While the WMHAPC supports the inclusion of a provision to comply with the most up-to-date building regulations, the policy should be revised to avoid specifying exact measures. Water efficiency standards are already addressed and enforced through Building Regulations and repeating these standards in planning policy risks becoming outdated if regulations change. To maintain flexibility and relevance, the policy should focus on compliance with current regulations without duplicating specific technical requirements.

Further comments

We would like the Local Plan to acknowledge the role of Housing Associations in providing affordable housing in Birmingham. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SDS7 – Sandwell's Green Belt

Respondent: West Midlands Housing Association Planning Consortium [91]

Agent: Tetlow King Planning (Lisa LUONG) [329]

Date received: 11/11/2024 via Email

Summary:

Draft Policy SDS7 – Sandwell's Green Belt

Draft Policy SDS7 sets out Sandwell's approach to implementing Green Belt policy. Supporting text to draft Policy SDS7 at paragraph 3.99 states:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of most of the rest of the borough."

The WMHAPC is disappointed with the Council's decision to maintain its stance of not adjusting the Green Belt boundary. This approach is concerning, particularly given the significant housing shortfall identified in the Local Plan. While the preservation of Green Belt land is important for environmental and recreational purposes, the refusal to even consider potential adjustments may limit the authority's ability to address the urgent and growing housing needs of Sandwell.

The Green Belt serves a critical role in shaping sustainable development, but there are circumstances where a balanced review of its boundaries can offer opportunities to meet housing demand while still maintaining open space protections. The WMHAPC believes that by ruling out adjustments to the Green Belt boundary, the Council may be missing opportunities to identify suitable land for development, which could improve access to affordable housing.

In light of these concerns, the WMHAPC urges the Council to reconsider its position and adopt a more flexible approach that balances the need for housing growth with the importance of protecting valuable green spaces. A careful, strategic review of the Green Belt could potentially unlock areas for development that are both sustainable and beneficial to the community, helping to address the housing crisis without compromising the long-term environmental goals of the region.

Furthermore, paragraph 141 of the NPPF (2023) states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable for meeting its identified need for development should be considered. Paragraph 141 goes on to state "This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

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In relation to points a), b) and c) of paragraph 141 of the NPPF (2023) and the discussion above relating to the duty-to-cooperate, the ability of neighbouring authorities to accommodate the shortfall in the housing needs of Sandwell remains uncertain.

Considering the above, the statement that there are no exceptional circumstances to warrant a Green Belt Review is somewhat questionable given that the Council does not have a comprehensive plan for how the shortfall in housing needs is going to be met.

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At first glance, this may seem like a reduction in the shortfall, compared to previous figures in the Regulation 18 Consultation Draft Local Plan. However, this impression may be misleading as the new figures cover a revised plan period from 2024 to 2041, which is two years shorter than the plan period outlined in the Regulation 18 Draft Local Plan, which spanned 2022 to 2041. Despite this adjustment, the shortfall remains significant. The Regulation 18 Consultation Draft Local Plan stated:

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As we have previously discussed and given the ongoing shortfall, the WMHAPC is concerned that the Council is advancing the draft strategic housing policies without demonstrating how the housing gap will be addressed. Specifically, the Council has not shown that neighbouring authorities can absorb the shortfall while simultaneously meeting their own housing needs. This is a crucial issue that must be resolved under the Duty to Cooperate, and it should be clearly articulated in a Statement of Common Ground among all relevant parties. Without this, there is a risk that the housing needs of both Sandwell and the wider region will remain unmet. This is an acutely important matter.

At paragraph 3.18, page 53, it states that:

"Sandwell is committed to ongoing engagement with its neighbours to secure the most appropriate and sustainable locations for housing and employment growth to meet local needs. In terms of housing, the engagement will extend beyond the adoption of this plan and will build on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area."

While it appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan Regulation 19 Duty to Co-operate Statement (September 2024) still leaves significant uncertainty regarding how the shortfall in housing will be addressed. The statement demonstrates that existing offers from neighbouring authorities (South Staffordshire, Cannock Chase, Lichfield and Shropshire) in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 15,916 homes required in Sandwell.

The WMHAPC is of the view that further work between Sandwell Borough Council and neighbouring authorities is needed before the strategic housing policies can progress and subsequently be found 'sound' at examination, as defined by Paragraph 35 of the NPPF (2023): "Plans are 'sound' if they are:

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At present the Draft Plan does not provide for the area's objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

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Draft Policy SDS7 sets out Sandwell's approach to implementing Green Belt policy. Supporting text to draft Policy SDS7 at paragraph 3.99 states:

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Draft Policy SHO4 - Affordable Housing

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- 25% affordable housing on all sites in high value zones.

The WMHAPC asks the Council to consider a blanket 25% requirement for affordable housing to optimise the delivery of affordable housing across the Borough regardless of the land value. We previously queried the evidence based used for to justify the reduced affordable housing

requirement on low value brownfield sites in which the policy proposes 15%. Furthermore, and in light of the Borough's considerable need for affordable housing as highlighted in the HEDNA (2024) of 278 dpa, the Council should avoid progressing an emerging policy that would potentially secure less affordable housing than current adopted Policy CSP6 which requires 25% affordable housing on qualifying sites.

Criteria 3 of the draft Policy SHOU4 Plan to require 25% as First Homes with the tenure split for affordable housing 'as defined in national guidance'. There are ongoing concerns regarding the Council's proposal to require 25% of affordable housing on-site to be First Homes. This approach heavily restricts the delivery of other effective affordable housing products such as affordable rent and shared ownership. The WMHAPC advises against this approach and recommends that the policy is amended to reference the latest housing needs assessment. This would provide greater flexibility to address evolving housing needs over the plan period and account for site-specific considerations.

Whilst the revised NPPF has not yet been adopted, it is important to note that the requirement for 25% of affordable tenures being First Homes has been proposed to be removed entirely by the new Government. Having spoken to our members and from our own experience, many housebuilders are generally not well-positioned to deliver First Homes, and this requirement may hinder development. Some of our members have relayed that they typically offer circa 70% of market value for shared ownership / intermediate housing and housebuilders generally prefer this offering over First Homes.

Furthermore, the justification text at paragraph 7.25 clearly identifies the similarities in requirements between Shared Ownership and First Homes, stating that:

"Rising house prices and low average incomes over a long period have made market housing increasingly unaffordable for many Sandwell households. The Sandwell HMA (2024) identifies a requirement for 17.5% of new homes to be made available for affordable or social rent, 7.8% to be shared ownership and 8.3% to be First Homes." (Emphasis added).

Criteria 6 of draft Policy SHOU4 seeks to secure affordable housing in perpetuity. However, there is currently no requirement in the NPPF (2023), nor in the Planning Practice Guidance, for all affordable housing to be secured in perpetuity. National policy is silent on the requirement to secure affordable housing in perpetuity, other than the specific reference to rural exception sites in Annex 2 of the NPPF (2023), which states:

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This principle is appropriate and supported by the WMHAPC as it facilitates the provision of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity is not supported. The WMHAPC is therefore disappointed that the Council have opted not incorporated previous concerns that new affordable housing proposed should only be required to be secured in perpetuity on rural exception sites.

One key issue is that securing affordable housing in perpetuity restricts lenders' appetite to fund development, as it imposes greater restrictions on individual properties, making mortgage provision more challenging. Private companies are also less inclined to invest in these developments if there is no prospect of realising the original investment and any returns. As such, the WMHAPC are of the firm view that affordable housing should only be secured in perpetuity on rural exception sites. The WMHAPC requests that, in line with national planning policy, the policy wording of draft Policy SHOU4 changed to only relate to rural exception sites.

As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this." Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: "All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations". It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that "In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation."

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to topography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: "evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes."

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

Criteria 3 of draft Policy SDM2 references a water efficiency standard of 110 litres per person per day, in line with Part G2 of the current Building Regulations or any successor legislation. While the WMHAPC supports the inclusion of a provision to comply with the most up-to-date building regulations, the policy should be revised to avoid specifying exact measures. Water efficiency standards are already addressed and enforced through Building Regulations and repeating these standards in planning policy risks becoming outdated if regulations change. To maintain flexibility and relevance, the policy should focus on compliance with current regulations without duplicating specific technical requirements.

Further comments

We would like the Local Plan to acknowledge the role of Housing Associations in providing affordable housing in Birmingham. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members.

Change suggested by respondent:

-

Legally compliant: Not specified
Sound: Not specified
Comply with duty: Not specified
Raise LPA: Not specified
Appear exam: Not specified
Attachments:

Document Element: Policy SHO4 - Affordable Housing

Respondent: West Midlands Housing Association Planning Consortium [91]

Agent: Tetlow King Planning (Lisa LUONG) [329]

Date received: 11/11/2024 via Email

Summary:

Draft Policy SHO4 - Affordable Housing

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As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this." Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: "All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations". It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that "In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation."

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites

and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to typography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with “an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: “evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.”

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

Criteria 3 of draft Policy SDM2 references a water efficiency standard of 110 litres per person per day, in line with Part G2 of the current Building Regulations or any successor legislation. While the WMHAPC supports the inclusion of a provision to comply with the most up-to-date building regulations, the policy should be revised to avoid specifying exact measures. Water efficiency standards are already addressed and enforced through Building Regulations and repeating these standards in planning policy risks becoming outdated if regulations change. To maintain flexibility and relevance, the policy should focus on compliance with current regulations without duplicating specific technical requirements.

Further comments

We would like the Local Plan to acknowledge the role of Housing Associations in providing affordable housing in Birmingham. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Respondent: West Midlands Housing Association Planning Consortium [91]

Agent: Tetlow King Planning (Lisa LUONG) [329]

Date received: 11/11/2024 via Email

Summary:

Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: "All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations". It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that "In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation."

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to typography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Full text:

Draft Housing Need and Duty to Co-operate

Paragraph 3.13 on page 52 of the Draft Local Plan highlights a substantial shortfall in the local authority's ability to provide for the housing needs of its residents:

"The SLP aims to allocate sites for 10,434 new homes in Sandwell over the period 2024-41, compared to a local housing need of 26,350 (2024 – 2041) homes; this means there is a shortfall of 15,916 homes."

At first glance, this may seem like a reduction in the shortfall, compared to previous figures in the Regulation 18 Consultation Draft Local Plan. However, this impression may be misleading as the new figures cover a revised plan period from 2024 to 2041, which is two years shorter than the plan period outlined in the Regulation 18 Draft Local Plan, which spanned 2022 to 2041. Despite this adjustment, the shortfall remains significant. The Regulation 18 Consultation Draft Local Plan stated:

"This Plan aims to allocate sites for 11,167 new homes in Sandwell over the period 2022-41, compared to a local housing need of 29,773 (2022 – 2041) homes; this identifies a shortfall of 18,606 homes." (Emphasis added).

As we have previously discussed and given the ongoing shortfall, the WMHAPC is concerned that the Council is advancing the draft strategic housing policies without demonstrating how the housing gap will be addressed. Specifically, the Council has not shown that neighbouring authorities can absorb the shortfall while simultaneously meeting their own housing needs. This is a crucial issue that must be resolved under the Duty to Cooperate, and it should be clearly articulated in a Statement of Common Ground among all relevant parties. Without this, there is a risk that the housing needs of both Sandwell and the wider region will remain unmet. This is an acutely important matter.

At paragraph 3.18, page 53, it states that:

"Sandwell is committed to ongoing engagement with its neighbours to secure the most appropriate and sustainable locations for housing and employment growth to meet local needs. In terms of housing, the engagement will extend beyond the adoption of this plan and will build on the partnership approach developed across the Greater Birmingham and Black Country Housing Market Area."

While it appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan Regulation 19 Duty to Co-operate Statement (September 2024) still leaves significant of uncertainty regarding how the shortfall in housing will be addressed. The statement demonstrates that existing offers from neighbouring authorities (South Staffordshire, Cannock Chase, Lichfield and Shropshire) in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 15,916 homes required in Sandwell.

The WMHAPC is of the view that further work between Sandwell Borough Council and neighbouring authorities is needed before the strategic housing policies can progress and subsequently be found 'sound' at examination, as defined by Paragraph 35 of the NPPF (2023):

"Plans are 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."

At present the Draft Plan does not provide for the area's objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

Draft Policy SDS7 – Sandwell's Green Belt

Draft Policy SDS7 sets out Sandwell's approach to implementing Green Belt policy. Supporting text to draft Policy SDS7 at paragraph 3.99 states:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of most of the rest of the borough."

The WMHAPC is disappointed with the Council's decision to maintain its stance of not adjusting the Green Belt boundary. This approach is concerning, particularly given the significant housing shortfall identified in the Local Plan. While the preservation of Green Belt land is important for environmental and recreational purposes, the refusal to even consider potential adjustments may limit the authority's ability to address the urgent and growing housing needs of Sandwell.

The Green Belt serves a critical role in shaping sustainable development, but there are circumstances where a balanced review of its boundaries can offer opportunities to meet housing demand while still maintaining open space protections. The WMHAPC believes that by ruling out adjustments to the Green Belt boundary, the Council may be missing opportunities to identify suitable land for development, which could improve access to affordable housing.

In light of these concerns, the WMHAPC urges the Council to reconsider its position and adopt a more flexible approach that balances the need for housing growth with the importance of protecting valuable green spaces. A careful, strategic review of the Green Belt could potentially unlock areas for development that are both sustainable and beneficial to the community, helping to address the housing crisis without compromising the long-term environmental goals of the region.

Furthermore, paragraph 141 of the NPPF (2023) states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable for meeting its identified need for development should be considered. Paragraph 141 goes on to state "This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

In relation to points a), b) and c) of paragraph 141 of the NPPF (2023) and the discussion above relating to the duty-to-cooperate, the ability of neighbouring authorities to accommodate the shortfall in the housing needs of Sandwell remains uncertain.

Considering the above, the statement that there are no exceptional circumstances to warrant a Green Belt Review is somewhat questionable given that the Council does not have a comprehensive plan for how the shortfall in housing needs is going to be met.

The WMHAPC therefore strongly recommends that the Council takes a more level approach in meeting housing need within Sandwell's Green Belt, including the allocation of additional housing sites to directly address the housing needs of local communities.

Draft Policy SHO4 - Affordable Housing

Given the significant need for new affordable homes in Sandwell, the WMHAPC suggests that a blanket affordable housing requirement of 25% on sites across the Borough would be more appropriate than the proposed stepped policy (currently based on a land value approach) that requires:

- 10% affordable housing on low value zones and brownfield sites in medium value zones;
- 15% affordable housing on greenfield sites in medium value zones; and
- 25% affordable housing on all sites in high value zones.

The WMHAPC asks the Council to consider a blanket 25% requirement for affordable housing to optimise the delivery of affordable housing across the Borough regardless of the land value. We previously queried the evidence based used for to justify the reduced affordable housing requirement on low value brownfield sites in which the policy proposes 15%. Furthermore, and in light of the Borough's considerable need for affordable housing as highlighted in the HEDNA (2024) of 278 dpa, the Council should avoid progressing an emerging policy that would potentially secure less affordable housing than current adopted Policy CSP6 which requires 25% affordable housing on qualifying sites.

Criteria 3 of the draft Policy SHOU4 Plan to require 25% as First Homes with the tenure split for affordable housing 'as defined in national guidance'. There are ongoing concerns regarding the Council's proposal to require 25% of affordable housing on-site to be First Homes. This approach heavily restricts the delivery of other effective affordable housing products such as affordable rent and shared ownership. The WMHAPC advises against this approach and recommends that the policy is amended to reference the latest housing needs assessment. This would provide greater flexibility to address evolving housing needs over the plan period and account for site-specific considerations.

Whilst the revised NPPF has not yet been adopted, it is important to note that the requirement for 25% of affordable tenures being First Homes has been proposed to be removed entirely by the new Government. Having spoken to our members and from our own experience, many housebuilders are generally not well-positioned to deliver First Homes, and this requirement may hinder development. Some of our members have relayed that they typically offer circa 70% of market value for shared ownership / intermediate housing and housebuilders generally prefer this offering over First Homes.

Furthermore, the justification text at paragraph 7.25 clearly identifies the similarities in requirements between Shared Ownership and First Homes, stating that:

"Rising house prices and low average incomes over a long period have made market housing increasingly unaffordable for many Sandwell households. The Sandwell HMA (2024) identifies a requirement for 17.5% of new homes to be made available for affordable or social rent, 7.8% to be shared ownership and 8.3% to be First Homes." (Emphasis added).

Criteria 6 of draft Policy SHOU4 seeks to secure affordable housing in perpetuity. However, there is currently no requirement in the NPPF (2023), nor in the Planning Practice Guidance, for all affordable housing to be secured in perpetuity. National policy is silent on the requirement to secure affordable housing in perpetuity, other than the specific reference to rural exception sites in Annex 2 of the NPPF (2023), which states:

"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding." (Emphasis added).

This principle is appropriate and supported by the WMHAPC as it facilitates the provision of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity is not supported. The WMHAPC is therefore disappointed that the Council have opted not incorporated previous concerns that new affordable housing proposed should only be required to be secured in perpetuity on rural exception sites.

One key issue is that securing affordable housing in perpetuity restricts lenders' appetite to fund development, as it imposes greater restrictions on individual properties, making mortgage provision more challenging. Private companies are also less inclined to invest in these developments if there is no prospect of realising the original investment and any returns. As such, the WMHAPC are of the firm view that affordable housing should only be secured in perpetuity on rural exception sites. The WMHAPC requests that, in line with national planning policy, the policy wording of draft Policy SHOU4 changed to only relate to rural exception sites.

As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this." Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Policy SH05 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: "All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations". It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that "In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation."

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to topography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: "evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes."

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

Criteria 3 of draft Policy SDM2 references a water efficiency standard of 110 litres per person per day, in line with Part G2 of the current Building Regulations or any successor legislation. While the WMHAPC supports the inclusion of a provision to comply with the most up-to-date building regulations, the policy should be revised to avoid specifying exact measures. Water efficiency standards are already addressed and enforced through Building Regulations and repeating these standards in planning policy risks becoming outdated if regulations change. To maintain flexibility and relevance, the policy should focus on compliance with current regulations without duplicating specific technical requirements.

Further comments

We would like the Local Plan to acknowledge the role of Housing Associations in providing affordable housing in Birmingham. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members.

Change suggested by respondent:

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- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: Policy SDM2 – Development and Design Standards

Respondent: West Midlands Housing Association Planning Consortium [91]

Agent: Tetlow King Planning (Lisa LUONG) [329]

Date received: 11/11/2024 via Email

Summary:

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with “an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: “evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.”

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

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Full text:

Draft Housing Need and Duty to Co-operate

Paragraph 3.13 on page 52 of the Draft Local Plan highlights a substantial shortfall in the local authority’s ability to provide for the housing needs of its residents:

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As we have previously discussed and given the ongoing shortfall, the WMHAPC is concerned that the Council is advancing the draft strategic housing policies without demonstrating how the housing gap will be addressed. Specifically, the Council has not shown that neighbouring authorities can absorb the shortfall while simultaneously meeting their own housing needs. This is a crucial issue that must be resolved under the Duty to Cooperate, and it should be clearly articulated in a Statement of Common Ground among all relevant parties. Without this, there is a risk that the housing needs of both Sandwell and the wider region will remain unmet. This is an acutely important matter.

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While it appreciated that efforts have been made to work collaboratively with other Black Country Authorities, the Sandwell Local Plan Regulation 19 Duty to Co-operate Statement (September 2024) still leaves significant uncertainty regarding how the shortfall in housing will be addressed. The statement demonstrates that existing offers from neighbouring authorities (South Staffordshire, Cannock Chase, Lichfield and Shropshire) in meeting wider-than-local housing needs result in the capacity of up to 8,000 homes, which falls far short of the 15,916 homes required in Sandwell.

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- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

At present the Draft Plan does not provide for the area's objectively assessed need and there are no formal agreements in place that have been set out in evidence which demonstrated unmet need can be met in neighbouring authorities.

Draft Policy SDS7 – Sandwell's Green Belt

Draft Policy SDS7 sets out Sandwell's approach to implementing Green Belt policy. Supporting text to draft Policy SDS7 at paragraph 3.99 states:

"It is the Council's view that there are no exceptional circumstances in Sandwell that would justify amending current boundaries and releasing any areas of green belt for new development. While there is an identified shortfall of land suitable for housing and economic development, this of itself does not outweigh the need to maintain the openness and permanence of the green belt within Sandwell, especially given the densely developed and urban character of most of the rest of the borough."

The WMHAPC is disappointed with the Council's decision to maintain its stance of not adjusting the Green Belt boundary. This approach is concerning, particularly given the significant housing shortfall identified in the Local Plan. While the preservation of Green Belt land is important for environmental and recreational purposes, the refusal to even consider potential adjustments may limit the authority's ability to address the urgent and growing housing needs of Sandwell.

The Green Belt serves a critical role in shaping sustainable development, but there are circumstances where a balanced review of its boundaries can offer opportunities to meet housing demand while still maintaining open space protections. The WMHAPC believes that by ruling out adjustments to the Green Belt boundary, the Council may be missing opportunities to identify suitable land for development, which could improve access to affordable housing.

In light of these concerns, the WMHAPC urges the Council to reconsider its position and adopt a more flexible approach that balances the need for housing growth with the importance of protecting valuable green spaces. A careful, strategic review of the Green Belt could potentially unlock areas for development that are both sustainable and beneficial to the community, helping to address the housing crisis without compromising the long-term environmental goals of the region.

Furthermore, paragraph 141 of the NPPF (2023) states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable for meeting its identified need for development should be considered. Paragraph 141 goes on to state "This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

In relation to points a), b) and c) of paragraph 141 of the NPPF (2023) and the discussion above relating to the duty-to-cooperate, the ability of neighbouring authorities to accommodate the shortfall in the housing needs of Sandwell remains uncertain.

Considering the above, the statement that there are no exceptional circumstances to warrant a Green Belt Review is somewhat questionable given that the Council does not have a comprehensive plan for how the shortfall in housing needs is going to be met.

The WMHAPC therefore strongly recommends that the Council takes a more level approach in meeting housing need within Sandwell's Green Belt, including the allocation of additional housing sites to directly address the housing needs of local communities.

Draft Policy SHO4 - Affordable Housing

Given the significant need for new affordable homes in Sandwell, the WMHAPC suggests that a blanket affordable housing requirement of 25% on sites across the Borough would be more appropriate than the proposed stepped policy (currently based on a land value approach) that requires:

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Criteria 3 of the draft Policy SHOU4 Plan to require 25% as First Homes with the tenure split for affordable housing 'as defined in national guidance'. There are ongoing concerns regarding the Council's proposal to require 25% of affordable housing on-site to be First Homes. This approach heavily restricts the delivery of other effective affordable housing products such as affordable rent and shared ownership. The WMHAPC advises against this approach and recommends that the policy is amended to reference the latest housing needs assessment. This would provide greater flexibility to address evolving housing needs over the plan period and account for site-specific considerations.

Whilst the revised NPPF has not yet been adopted, it is important to note that the requirement for 25% of affordable tenures being First Homes has been proposed to be removed entirely by the new Government. Having spoken to our members and from our own experience, many housebuilders are generally not well-positioned to deliver First Homes, and this requirement may hinder development. Some of our members have relayed that they typically offer circa 70% of market value for shared ownership / intermediate housing and housebuilders generally prefer this offering over First Homes. Furthermore, the justification text at paragraph 7.25 clearly identifies the similarities in requirements between Shared Ownership and First Homes, stating that:

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7.8% to be shared ownership and 8.3% to be First Homes.” (Emphasis added).

Criteria 6 of draft Policy SHOU4 seeks to secure affordable housing in perpetuity. However, there is currently no requirement in the NPPF (2023), nor in the Planning Practice Guidance, for all affordable housing to be secured in perpetuity. National policy is silent on the requirement to secure affordable housing in perpetuity, other than the specific reference to rural exception sites in Annex 2 of the NPPF (2023), which states:

“Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” (Emphasis added).

This principle is appropriate and supported by the WMHAPC as it facilitates the provision of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity is not supported. The WMHAPC is therefore disappointed that the Council have opted not incorporated previous concerns that new affordable housing proposed should only be required to be secured in perpetuity on rural exception sites.

One key issue is that securing affordable housing in perpetuity restricts lenders’ appetite to fund development, as it imposes greater restrictions on individual properties, making mortgage provision more challenging. Private companies are also less inclined to invest in these developments if there is no prospect of realising the original investment and any returns. As such, the WMHAPC are of the firm view that affordable housing should only be secured in perpetuity on rural exception sites. The WMHAPC requests that, in line with national planning policy, the policy wording of draft Policy SHOU4 changed to only relate to rural exception sites.

As previously advocated for by the WMHAPC, the inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Sandwell where land may not normally be suitable for housing. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy. Paragraph 78 of the NPPF (2023) explains that “In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.” Such sites are an exception to inappropriate development within the Green Belt as set out by paragraph 149 of the NPPF (2023).

Policy SHO5 - Delivering Accessible and Self / Custom Build Housing

Criteria 1 requires that: “All new homes will be required to meet M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations”. It is acknowledged that evidence has been provided in the Sandwell Borough Council Housing Market Assessment (August 2024) at paragraph 7.39 highlighting that “In total 6,510 accessible and adaptable homes are required in 2041 in Sandwell, of which 2,388 should be in the market sector and 4,122 in affordable accommodation.”

The WMHAPC accepts that there is a growing need for accessible and adaptable homes, however, the requirement for M4(2) dwellings for all new residential schemes could have considerable implications on viability and overall affordable housing delivery in Sandwell. Some sites and/or schemes do not lend themselves to the statutory provision of M4(2) units for example due to typography, some developments may be unable to provide step-free access to dwellings etc. In light of this, the WMHAPC requests that the Council exercises an element of discretion when considering proposals.

Draft Policy SDM2 – Development and Design Standards

The WMHAPC previously raised concerns about the blanket application of Nationally Described Space Standards (NDSS) for all new residential developments and that evidence needs to be produced for the requirement. As set out above, and in line with paragraph 35 of the NPPF (2023), in order to be found sound at examination, policies should be appropriately justified with “an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.

Among tests of viability and timing Planning Practice Guidance requires the application of Nationally Described Spaces Standards (NDSS) to be based on an established need: “evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.”

There are concerns that the blanket application of the NDSS across all residential development, including affordable tenures, will undermine the viability of many development schemes. This will potentially result in fewer affordable homes being delivered as optional technical standards have implications for build costs and sales values, with implications in turn for development viability. The WMHAPC urges the Council to acknowledge that NDSS is not a building regulation and remains solely within the planning system as a form of technical planning standard. It is not essential for all dwellings to achieve these standards in order to provide good quality living.

Criteria 3 of draft Policy SDM2 references a water efficiency standard of 110 litres per person per day, in line with Part G2 of the current Building Regulations or any successor legislation. While the WMHAPC supports the inclusion of a provision to comply with the most up-to-date building regulations, the policy should be revised to avoid specifying exact measures. Water efficiency standards are already addressed and enforced through Building Regulations and repeating these standards in planning policy risks becoming outdated if regulations change. To maintain flexibility and relevance, the policy should focus on compliance with current regulations without duplicating specific technical requirements.

Further comments

We would like the Local Plan to acknowledge the role of Housing Associations in providing affordable housing in Birmingham. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of WMHAPC members.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 1. Sandwell 2041: Spatial Vision, Priorities and Objectives

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these

facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of

accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and

childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Challenges and Issues

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

• promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where

this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been

made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which

specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/SI06 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SDS1 – Spatial Strategy for Sandwell

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHWI – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHWI and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification

or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving WellDesigned Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal

complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:....c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine

the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial

contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

- Legally compliant: Not specified
- Sound: Not specified
- Comply with duty: Not specified
- Raise LPA: Not specified
- Appear exam: Not specified
- Attachments:

Document Element: Policy SDS5 - Achieving Well-designed Places

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour,

which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHWI – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHWI and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SH07, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high

numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration

of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not

undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SDS6 - Cultural Facilities and the Visitor Economy

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental,

economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that they would be able to be completed within 5 years.

The PCCWM objects to the omission of 2 no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration

of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community

safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCVM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCVM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCVM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCVM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCVM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCVM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SNE6 – Canals

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental,

economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these

facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of

accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and

childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure

for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHWI – Health Impact Assessments

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports Policy SHWI and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that they would be able to be completed within 5 years.

The PCCWM objects to the omission of 2 no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas

including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHW2 – Healthcare Infrastructure

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental,

economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHWI – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHWI and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and

calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties.'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving WellDesigned Places'

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been

considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring

that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft

Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/SI06 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHW4 – Open Space and Recreation

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental,

economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that they would be able to be completed within 5 years.

The PCCWM objects to the omission of 2 no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration

of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community

safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCVM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCVM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCVM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCVM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCVM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCVM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHO1 - Delivering Sustainable Housing Growth

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional

additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a

comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating

developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:....c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that ‘infrastructure’ includes ‘(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

‘It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.’ (Para 11).

The judgement goes on to comment that:

‘Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the “consumer view” of the issue.’ (Para 61).

‘I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.’ (Para

62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

‘Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...’

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police’s representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a ‘live document’ throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO2 – Windfall developments

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these

facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of

accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and

childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure

for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SHO7 - Houses in Multiple Occupation

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of

creating sustainable communities;

- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and
- WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and

provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the

provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through

proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SHO9 – Accommodation for Gypsies, Travellers and Travelling Showpeople

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental,

economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that they would be able to be completed within 5 years.

The PCCWM objects to the omission of 2 no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration

of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community

safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCVM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCVM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCVM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCVM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCVM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCVM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SCE1 - Sandwell's Centres

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and
- WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour,

which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHWI – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHWI and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SH07, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high

numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration

of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not

undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from privity of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SCE2 - Non-E Class Uses in Town Centres

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

"49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences."

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

"Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery."

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...’

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that they would be able to be completed within 5 years.

The PCCWM objects to the omission of 2 no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SH02, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH02.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SH07, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SH07, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

"...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas

including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SCE3 - Town Centres (Tier-Two centres)

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHWI – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHWI and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site

Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’ ; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the

dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving WellDesigned Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to

ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SCE4 - District and Local Centres (Tier-Three centres)

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site

Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’ ; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the

dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving WellDesigned Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to

ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SCE5 - Provision of Small-Scale Local Facilities not in Centres

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents / calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that "To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out." This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 "The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety..." – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of "Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors." and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site

Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land. These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SHO1 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses’ ; and at point 5 that ‘Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.’

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - ‘3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.’

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: ‘...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;’

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: ‘Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the

dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.’ In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving WellDesigned Places’

Comments on Chapter 15 – Development Management

Policy SDMI – Design Quality

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to

ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified
 Sound: Not specified
 Comply with duty: Not specified
 Raise LPA: Not specified
 Appear exam: Not specified
 Attachments:

Document Element: Policy SDMI – Design Quality

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording in Policy SDMI as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and

Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups

and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to

community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SH09, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of

homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be

included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1504

Comment

Document Element: Policy SDM6 - Hot Food Takeaways

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter I – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a 'Challenge and Issue' as other 'Ambitions' are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the 'Spatial Portrait', 'Challenges and Issues' and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 'Spatial Strategy for Sandwell'

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding '...including police and emergency infrastructure' and in Part 2 by a new point '...ensuring all new development maximises safety, reduces crime and the fear of crime'.

Policy SDS5 'Achieving Well-designed Places'

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 'Cultural Facilities and the Visitor Economy'

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell's Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council's acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people's health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the

proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities' (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SHO1, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft

Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads: “The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning

system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be

identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide

sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SDM8 - Gambling Activities and Alternative Financial Services

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for

developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.’

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell’s Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of ‘Housing Allocations’), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council’s ‘Interactive Map’. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B ‘Housing Allocations’ table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council’s Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council’s shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as ‘Selected for Housing’ –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council’s ‘Interactive Map’).

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that ‘The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing

neighbouring uses' ; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for

maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made

to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

"The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint

working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others [2014] EWHC 1719 (Admin)* at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for

sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission

of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1506

Comment

Document Element: Policy SDM9 - Community Facilities

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan's Challenges and Issues. These are clearly set out in the Arup 'Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023' (section 4.4.3: Infrastructure Implications of Future Growth - Policing): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police's (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell's population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) 'Providing infrastructure to support growth', which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – 'Sandwell 2041: Spatial Vision, Priorities and Objectives' states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we

feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities

and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing

should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for

maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 ‘Community Facilities’ as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
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It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure,

including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In

addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 12. Infrastructure and Delivery

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that ‘Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery’. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

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This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

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addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

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Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

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Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional

growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter 1 – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

‘Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SH01 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SH01 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SH01.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell's Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 'Sandwell's Centres' at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. '6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell's centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: '5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.'

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely 'In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.'

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 'Sandwell Centres', and point 4 references the amended Policy SDS5 'Achieving Well-designed Places'

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that "Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;"

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 'Management of Hot Food Takeaways' has been amended as requested in the PCCWM's Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local

Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads:

“The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified.”

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDSI ‘Development Strategy’ which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (I) ‘To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:…c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements’.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, ‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF ‘Promoting health and safe communities’, Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as ‘Essential local workers’, defined as ‘Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that ‘infrastructure’ includes ‘(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as

was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCVM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that

there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/SI06 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

I: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national planning policy.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: APPENDIX O – Glossary

Respondent: West Midlands Police [96]

Agent: The Tyler Parkes Partnership Ltd (Mr John Baggott, Director) [323]

Date received: 11/11/2024 via Email

Summary:

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

Full text:

Sandwell Spatial Portrait – paragraphs 47-50, Challenges and Issues – paragraph 89, and Chapter I – Sandwell 2041: Spatial Vision, Priorities and Objectives

The PCCWM supports the inclusion of detailed crime statistics and the predicted increase in crime with the additional growth proposed but has updated statistics available and therefore request that those paragraphs be amended as set out below to reflect up to date figures. Paragraphs 47 and 48 appear to quote crime statistic figures from a source other than West Midlands Police, and it is respectfully suggested that a consistency of figures, and their source, should be used to ensure that future comparisons are consistent and accurate.

Since the submission of previous representations on behalf of the PCCWM, and in particular our response to the Infrastructure Delivery Plan dated 26 September 2023 (see Appendix 3) we have been provided with updated figures which reflect the full 2023 calendar year. These are provided at Appendix 4, but for the purposes of the table at Paragraph 49 and the subsequent Paragraph 50, the following amendments should be made in order to update the figures to reflect the most up to date full year statistics:

“49. West Midlands Police (WMP) have also identified an indicative level of crime in Sandwell, taken from the ONS and their own crime figures (offences / incidents /calls) for 2023:

See the attachment for table

50. According to WMP, the proposed numbers of new homes (10,434) would represent an 8% increase in the number of households within Sandwell. If the same percentage increase is applied to the actual incident and crime statistics for the area, the predicted proportional additional and total incidents / crimes likely to occur within a calendar year is likely to be in the order of 7,000 additional calls for service and 3,000 additional offences.”

Notwithstanding the above, PCCWM objects to the lack of reference to preventing crime and disorder in the draft Local Plan’s Challenges and Issues. These are clearly set out in the Arup ‘Infrastructure Delivery Plan Part 1: Infrastructure Needs Assessment Reference: v2.0 dated 2nd November 2023’ (section 4.4.3: Infrastructure Implications of Future Growth - Policing’): -

- Sandwell has seen a 25% increase in recorded crime since 2020;
- The demands placed on the police service can increase as the local population increases;
- The demands on the police are exacerbated by the major changes in the nature of crime and methods needed to deal with it, particularly regarding cybercrime, child sex exploitation and terrorism;
- Based on analysis of West Midlands Police’s (WMP) crime statistics (2022), it is predicted that the rising population would require the recruitment of c120 extra staff members;
- As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities;
- This highlights the importance of new developments employing Secured by Design principles to reduce the amount of additional crime generated as the population grows in certain areas;
- As only 20% of their funding is received from Council Tax precept, WMP have stressed that increases in local population does not directly lead to an increase in funding for the Police Service from Government; and • WMP consider the consequence of no additional funding will lead to existing infrastructure becoming severely stretched and thereby have a severe adverse impact on the quality of the service that could be delivered.

As Sandwell’s population increases, there is a greater need to ensure new development is supported by adequate policing infrastructure in the interest of creating sustainable communities. With the predicted increase in crime in the Borough as a result of the proposed growth and the implications thereof as set out in the Spatial Portrait and the Part 1: Infrastructure Needs Assessment, it is inconsistent for this not to be referenced in the Challenges and Issues.

The PCCWM objects to bullet 89f) ‘Providing infrastructure to support growth’, which should be more explicit to include emergency services infrastructure particularly as Ambition 5 of Chapter I – ‘Sandwell 2041: Spatial Vision, Priorities and Objectives’ states: –

“Ambition 5

Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local SLP relevance:

- promoting the development and improvement of attractive, safe and accessible public realm, support services and

community infrastructure as part of new development and project delivery.”

This ambition should be linked to a ‘Challenge and Issue’ as other ‘Ambitions’ are.

In accordance with national planning policy, the theme of community safety and crime prevention should be given greater prominence in the ‘Spatial Portrait’, ‘Challenges and Issues’ and Chapter 1 – Sandwell 2041: Spatial Vision, Priorities and Objectives of the draft Reg 19 Sandwell Local Plan consultation, to promote improvements in community safety, reducing crime, fear of crime and anti-social behaviour, which are vital objectives in the context of creating sustainable communities.

Chapter 3 – Framework Policies

Policy SDS1 ‘Spatial Strategy for Sandwell’

The PCCWM objects to Spatial Strategy (Policy SDS1), which provides the overarching strategy for Sandwell and sets out the broad scale and distribution of new development for the Plan period to 2041, because it fails to clearly specify what is meant by sufficient infrastructure to be delivered to meet identified requirements to ensure that the required levels of development are sustainable and it makes no reference to the requirement for planning proposals to address crime and safety.

The PCCWM works in the community and is a key Council partner and a key stakeholder in the Borough. As the overarching policy, it is of vital importance that Policy SDS1 specifies that development should provide the necessary emergency services infrastructure, and maximise safety, crime prevention and reducing fear of crime.

The PCCWM requests that the policy be amended at 1c) by adding ‘...including police and emergency infrastructure’ and in Part 2 by a new point ‘...ensuring all new development maximises safety, reduces crime and the fear of crime’.

Policy SDS5 ‘Achieving Well-designed Places’

The PCCWM supports Policy SDS5 which states at 9 that “To support the development of safe neighbourhoods, ensure quality of life and community cohesion are not undermined and minimise the fear of crime, the design of new development should create secure and accessible environments where opportunities for crime and disorder are reduced or designed out.” This policy recognises the importance of safety in terms of environmental, economic and social benefits - at 3.70 “The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental aspect of both national and local policy. Designing high quality places will result in environmental, economic and social benefits, including inter alia a) community safety...” – but this recognition is missing from the overarching policies and vision, as set out above.

Policy SDS6 ‘Cultural Facilities and the Visitor Economy’

The PCCWM supports the wording of the policy and justification to Policy SDS6 - Cultural Facilities and the Visitor Economy, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

Chapter 4 – Sandwell’s Nature and Historic Environment

Policy SNE6 – Canals

The PCCWM supports the inclusion of subclauses 3e. and 3f, further to earlier representations where the PCCWM requested reference to the need to consider crime, antisocial behaviour, and the fear of crime when considering development proposals on the canal network. The success of the policy will to some extent be dependent upon people being and feeling safe and therefore the additional clauses are supported.

Chapter 6 – Health and Wellbeing in Sandwell

Policy SHW1 – Health Impact Assessments and Policy SHW2 Healthcare Infrastructure

The PCCWM supports Policy SHW1 and its objectives, noting the Council’s acknowledgement (in the preamble to policies on health and wellbeing, e.g. paragraph 6.6) of “Providing an environment that contributes to people’s health and wellbeing is a key objective of the Council and its partners in the health, voluntary and related sectors.” and that the proposed Health Impact Assessments (HIA) should address, where relevant, how the proposed development: a) is inclusive, safe, and attractive, with a strong sense of place, encourages social interaction and provides for all age groups and abilities’ (paragraph 6.14).

However, whilst it is also noted that Policy SHW2 – Healthcare Infrastructure requires an assessment of proposals for major residential developments of ten units or more to be assessed against the capacity of existing healthcare facilities and / or services to support that development, the PCCWM objects to the omission of a similar policy requirement for developer contributions to police and emergency infrastructure which is acknowledged in the draft Local Plan has

additional demands placed upon it from residential and other development.

Policy SHW2 (and its justification) could be expanded to include the need for other social infrastructure in such instances, for example

'Policy SHW2 – Healthcare, wellbeing and safety infrastructure...

3. Proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and other services that contribute to community wellbeing and safety such as police and emergency services infrastructure as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents...

5. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and other services that contribute to community wellbeing and safety.'

Policy SHW4 – Open Space and Recreation

The PCCWM supports this policy which requires development proposals to focus on supporting / delivering the following functions of open space in Sandwell, which includes at 8e. increasing surveillance and enhancing public perceptions of safety.

Chapter 7 – Sandwell's Housing

Policy SH01 – Delivering Sustainable Housing Growth

The PCCWM objects to this policy. In terms of the Housing Allocations referred to in point 2 (and as set out in Appendix B Sandwell Site Allocations – table of 'Housing Allocations'), while the PCCWM supports the following housing allocations –

See attachment for table

However, whilst both of these sites are marked for housing development on the Reg 19 Sandwell Local Plan Policies Map, neither are indicated for housing development on the Council's 'Interactive Map'. The PCCWM objects to these apparent omissions. Furthermore, the anticipated delivery timescales set out in Appendix B 'Housing Allocations' table are considered to be too long. Both sites are currently on the market, and it is envisaged that would be able to be completed within 5 years.

The PCCWM objects to the omission of 2no. sites that were submitted through the Council's Call for Sites at the same time as those that have been allocated and requests their inclusion in the Housing Allocations, particularly considering the Council's shortfall in housing land.

These are as follows: -

1) Smethwick Police Station, Piddock Road, Smethwick

This site is identified as Site SH65 in Appendices E and H of the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. In Appendix H (as shown below), the site is marked as 'Selected for Housing' –

In addition, the site is marked for housing development on the Reg 19 Sandwell Local Plan Policies Map (although not on the Council's 'Interactive Map').

Although this omission would appear to be a minor error, and the PCCWM objects to it. Therefore, the PCCWM requests that this site be shown to be allocated for housing development under Policy SH01 and Appendix B to the Reg 19 draft Sandwell Local Plan.

2) Oldbury Police Station, Oldbury Ringway, Oldbury

This 1,000sqm site was submitted to the Council through the Call for Sites process but is not included in the Reg 19 draft Sandwell Local Plan or the Reg 19 Sustainability Appraisal of the draft Sandwell Local Plan. The PCCWM objects to the omission of consideration of this sustainably located, brownfield site is an error that should be corrected.

The details of the site are set out again below: -

See attachment

In terms of the wording of Policy SH01, whilst point 4 to the policy states that 'The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses'; and at point 5 that 'Ancillary uses appropriate for residential areas, such as health facilities,

community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment. Other uses will not be acceptable on these sites.'

However, the Policy SHO1 makes no reference of the requirement that in order to sustain the level of growth proposed in the draft Sandwell Local Plan consultation and to meet the national and local policy objectives relating to safety and security, contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of Police services to create environments where crime and disorder and the fear of crime do not undermine the quality of life or social cohesion.

Accordingly, the PCCWM objects to Policy SHO1 as it should include reference for the need for contributions for all social, environmental and physical infrastructure to support sustainable housing growth in accordance with the aspirations of the policy and the plan. Therefore, new development, including all housing sites/ housing allocations, should be subject to CIL/ S.106 agreements as appropriate to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO1.

Policy SH02 – Windfall Developments

The PCCWM objects to Policy SHO2, as it should include reference for the need for contributions for social, environmental and physical infrastructure to support windfall development. Windfall development, as well as development on larger sites/ allocations, should be subject to CIL/ S.106 agreements to help fund the provision and maintenance of Police services, and the requirement for this infrastructure should be enshrined in the wording of Policy SHO2.

Policy SH07 - Houses in Multiple Occupation

The PCCWM supports the wording of the policy and justification to Policy SHO7, which reflects the representations made to the Sandwell Issues and Options consultation and the Regulation 18 consultation.

The PCCWM supports the specific reference within the policy itself, point 3(e) as follows: - '3. Once the current level of HMO provision has been established in a relevant area, the following criteria will be applied to a new proposal: ...

e) the development would not give rise to unacceptable adverse cumulative impacts on amenity, character, appearance, security, crime, anti-social behaviour or the fear of crime.'

The PCCWM also fully supports the footnote to this policy (174) which recommends that pre-application and planning application advice is sought for HMO proposals from the West Midlands Police Design Out Crime Officers.

In addition, the PCCWM supports the reference in point 6 of the Policy that states that the policy criteria will also apply to the intensification or expansion of an existing HMO.

The justification to Policy SHO7, paragraph 7.54(g) is also supported by the PCCWM. It explains that harmful impacts associated with high numbers of HMOs can include: '...g) increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed / maintained properties;'

However, in addition to the support for Policy SHO7, it is noted that the Council acknowledge (para 7.57) that: 'Whilst this type of accommodation [HMO] can address certain housing needs, HMOs tend to be grouped together in parts of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for

maintaining a mixed sustainable housing offer across the Black Country.' In light of these concerns, the PCCWM recommends a Borough wide Article 4 Direction be introduced to seek to remove the permitted development right to convert a residential dwelling to a small HMO (providing living accommodation for 3 to 6 unrelated persons), such that planning permission would be required for any proposals, alongside the proposed policy against which all HMO applications, as well as planning applications for large HMO (for which there are no permitted development rights and thereby planning permission is required) will be assessed. This is an approach taken elsewhere, including in neighbouring Birmingham.

An Article 4 Direction regarding permitted development for HMOs, alongside the proposed policies of the Reg 19 draft Sandwell Local Plan would manage the distribution and delivery of HMOs, to reduce the potential harm that arises from the over-concentration and poor quality of HMOs, and the consequential impact this has on crime and disorder and to community safety, and the increased pressure this places on Police resources.

Policy SH09 - Accommodation for Gypsies and Travellers and Travelling Show people

The PCCWM supports the wording of the policy and justification to Policy SHO9, which reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation

Chapter 9 – Sandwell’s Centres

Policy SCE1 - Sandwell Centres

The PCCWM supports the wording in Policy SCE1 ‘Sandwell’s Centres’ at 6(d), as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation. ‘6. A land use approach will be adopted to encourage regeneration and to meet the challenges facing Sandwell’s centres, particularly as little retail capacity has been identified to support additional floorspace, through supporting:

“...d. a variety of facilities, appealing to a wide range of age and social groups, provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policy SCE2 - Non-E Class Uses in Town Centres

The PCCWM supports the wording in Policy SCE2 as this reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation, specifically the addition to the policy of clause 5: ‘5. In all areas of Town Centres, it is important that a variety of facilities, appealing to a wide range of age and social groups, are offered and that these are provided in such a way to ensure a safe, accessible and inclusive environment and any anti-social behaviour is discouraged, for example through management, improved lighting and CCTV coverage where appropriate.’

Policies SCE3, SCE4 and SCE5

The PCCWM supports the inclusion of the following wording in each of these policies – namely ‘In determining planning applications for new development or changes of use in local centres, the Council will consider any issues concerning community safety, crime, and disorder and will, where necessary, seek advice from the police and other safety organisations.’

Comments on Chapter 10 – West Bromwich

Policy SWB2 - Development in West Bromwich

The PCCWM supports the proposed changes to this policy as it does now cross references other relevant policies of note, including those relating to town centres, e.g. Policy SCE1 ‘Sandwell Centres’, and point 4 references the amended Policy SDS5 ‘Achieving Well-designed Places’

Comments on Chapter 15 – Development Management

Policy SDM1 – Design Quality

The PCCWM supports the wording in Policy SDM1 as it reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and now includes the requirement that the need for new development must not cause an adverse impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of crime and safety., and at 2d. that “Development proposals must demonstrate that the following guidance has been considered and where appropriate used to inform design and access statements that reflect their Sandwell-specific context:... d. compliance with crime prevention measures, such as Secured by Design and / or Park Mark principles;”

Policy SDM6 – Hot Food Takeaways and SDM7 - Management of Hot Food Takeaways

The PCCWM acknowledges the wording in Policy SDM6 – Hot Food Takeaways. However, whilst associated Policy SDM7 ‘Management of Hot Food Takeaways’ has been amended as requested in the PCCWM’s Regulation 18 consultation response (new clause 9) However, the PCCWM remains of the view that Policies SDM6 and SDM7 should be amalgamated into one policy as the inference is that if a proposal complies with the prescriptive and numerical thresholds under Policy SDM6 it will be acceptable, even though it at may not meet the criteria set out in Policy SDM7 – Management of Hot Food Takeaways – and vice versa. Accordingly, the PCCWM objects on the basis that Policies SDM6 and SDM7 should be amalgamated since it is considered that the criteria in Policy SDM7 to be equally important in the consideration of a planning application for a hot food takeaway, particularly as hot food takeaways are often a flashpoint for violence after pubs and clubs close.

Policy SDM8 - Gambling Activities and Alternative Financial Services

The PCCWM supports Policy SDM8 Gambling Activities and Alternative Financial Services and particularly Point 6 referring to community safety, crime and disorder etc.

Policy SDM9 – Community Facilities

The PCCWM supports the wording in Policy SDM9 'Community Facilities' as new point 7 of the policy reflects the representations made to the Sandwell Issues and Options consultation and the Reg 18 consultation and footnote 281 correctly refers to the definition of community facilities in the NPPF (December 2023) paragraph 97a.

Comments on Chapter 12 - Infrastructure and Delivery

The PCCWM objects to Chapter 12 of the draft Reg 19 Sandwell Local Plan, and specifically Policy SID1 – Infrastructure Provision and Viability Assessments.

This chapter sets out the infrastructure the Council consider is needed to ensure the effective delivery of the proposed scale of the development envisaged. Paragraph 12.1 acknowledges that 'Ensuring effective delivery of this amount of development [10,434 new houses and 1,221ha of employment land up to 2041] will require strong collaborative working with public, private and third sector partners, involving a robust process of infrastructure planning and delivery'. However, as with the Reg 18 draft Local Plan, the policies in the Reg 19 draft Local Plan do not reflect police and emergency services provision as infrastructure investment required to support that development.

On behalf of the PCCWM, repeated submissions have been made, setting out in full, the evidenced case for new development to contribute to police infrastructure, in our written submissions to:

- Issues and Options Consultation – letter dated 17 March 2023.
- Infrastructure Delivery Plan (IDP) – letter dated 26 September 2023.
- Preferred Options Consultation – letter dated 15 December 2023.

It is especially disappointing that having been invited to engage fully with ARUP, who assisted the Council in preparing Part 1 of the IDP, which included a meeting with ARUP on 1 September 2023, we were not invited to engage further and not afforded the opportunity to represent the PCCWM in the preparation of Part 2 of the IDP (i.e. the Infrastructure Schedule), within which the only commentary made regarding West Midlands Police reads: "The response from West Midlands Police to the Regulation 18 Local Plan Consultation reiterated many of the sentiments expressed during engagement from Part 1 of the IDP – highlighting an apparent need for more policing resources and suggesting a formula for calculating developer contributions. However, no specific physical infrastructure has been specified."

This approach is wholly unsatisfactory and simply ignores the fully evidenced justification provided. Put simply, new development will place a greater strain on the Police and therefore the suggested mitigation is entirely justified.

It is accepted and clear that growth during the plan period will inevitably have implications for the maintenance of safety and security in the Borough and there will clearly be a need for additional and/or enhanced Police infrastructure.

Policy SDS1 'Development Strategy' which provides the overarching spatial strategy for Sandwell, sets out the scale and distribution of new development for the Plan period to 2041 and confirms at point (1) 'To support the attainment of the Sandwell SLP Vision, drive sustainable and strategic economic and housing growth and meet local aspirations, Sandwell, working with local communities, partners and key stakeholders, will make sure that decisions on planning proposals:...c. ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements'.

The inclusion of the police and emergency services provision as infrastructure required to support development is compatible with legislation and national planning policy, as follows:

Section 17 of the Crime and Disorder Act 1998 states, 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. The PCCWM therefore has a statutory duty to secure the maintenance of an efficient and effective police force for the area. Sandwell Council is also statutorily required to consider crime and disorder and community safety in the exercise of its duties with the aim of achieving a reduction in crime.

The NPPF, December 2023, Paragraph 2 states that the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 confirms that achieving sustainable development means that the planning system has three overarching objectives: an economic, a social and an environmental objective. These objectives include supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

Paragraph 20 of the NPPF includes, inter alia, a requirement for policies to deliver sufficient provision for infrastructure, including those related to security, with paragraphs 16 and 26 indicating that this could be delivered through joint working with all partners concerned with new development proposals.

Section 8 of the NPPF 'Promoting health and safe communities', Paragraph 96, identifies that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.

Paragraph 135 (f) of the NPPF calls for the creation of safe places where, inter alia, crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Annex 2 (NPPF) identifies the police as 'Essential local workers', defined as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

It is also especially noteworthy that Part 10A Infrastructure Levy: England of the Levelling Up and Regeneration Act 2023 (LURA) confirms at Section 204N (3) relating to Infrastructure Levy regulations that 'infrastructure' includes '(h) facilities and equipment for emergency and rescue services. Whilst the LURA appears unlikely to advance in the same manner as was envisaged by the previous Government, there is a clear recognition that infrastructure for the emergency services, which would obviously include Police, should be recognised. It is also particularly noteworthy that given the comments made by ARUP at Part 2 of the Infrastructure Delivery Plan (as referred to above), such infrastructure would include both facilities AND equipment.

It should also be noted that it is the case that increases in local population and the number of households do not directly lead to an increase in funding for WMP from Central Government. It is therefore necessary to secure CIL and/or S.106 contributions for infrastructure due to the direct link between the increased demand for police services and changes in the physical environment due to new housing and economic growth, which have permanent impacts on future policing and demands upon WMP. Securing contributions towards policing enables the same level of service to be provided to residents of new developments, without compromising the existing level of service for existing communities and frontline services. Put simply, the consequence of no additional funding is that existing infrastructure will become severely stretched and thereby have a severe adverse impact on the quality of the service that WMP are able to deliver.

The High Court judgement of Mr Justice Foskett in *The Queen and Blaby DC and Others* [2014] EWHC 1719 (Admin) at Appendix 1 is a clear example of the case for S106/CIL contributions towards Police infrastructure. In that case, a development of 4,250 dwellings, community and retail development, schools and leisure facilities was proposed, the judgement reads:

'It is obvious that a development of the nature described would place additional and increased burdens on local health, education and other services including the police force.' (Para 11).

The judgement goes on to comment that:

'Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue.' (Para 61).

'I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area.' (Para 62).

To ensure that levels of service can be maintained for both existing and future residents in the wider Sandwell Borough area, developer contributions through the mechanism of CIL and/or S.106 Obligations for Police infrastructure are considered essential.

It is the case that, Planning and S78 Appeal decisions (Appendix 2) have long recognised that the infrastructure requirements of the Police are perfectly eligible for consideration and can be allocated financial contributions through S106 Obligations which accompany qualifying planning permissions for major development (residential and commercial alike), with the Planning Inspector in PINS appeal reference APP/X2410/A12/2173673) stating that:

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from purview of S106 financial contributions...'

To achieve sustainable development, as required by the NPPF and PPG, the necessary supporting infrastructure must be identified through proactive engagement between the Council and the infrastructure providers, including the WMP. Infrastructure needs and costs arising as a result of the proposed growth in the draft Sandwell Local Plan should be included in the Infrastructure Delivery Plan (IDP) – and representations have already been made by the PCCWM in this regard - and Viability and Delivery Study and specific 20/22 requirements should be clearly set out in the individual site allocation policies and/or accompanying masterplans, Area Action Plans (AAPs) or Supplementary Planning Documents (SPDs), to ensure that developers are aware of their obligations at the outset. In addition, as the primary document for planning decisions, the draft Sandwell Local Plan must also address the need for sustainable safe developments supported by essential infrastructure including Police infrastructure.

There also needs to be wording in relevant policies to require this, to ensure that developers are aware of the importance attached to issues of crime and safety by Sandwell MBC, as well as the need to maintain an appropriate level of community infrastructure and Emergency Services infrastructure.

The definition and support for infrastructure should be explicitly set out in the draft Local Plan, to meet national and local policy objectives relating to safety and security, and it should be clearly set out that contributions will be required through CIL/ S.106 agreements to help fund the provision and maintenance of facilities and equipment for Police services, in order to sustain the level of growth proposed in the draft Local Plan.

There are numerous examples of adopted planning policies in Local Plans which have been found sound after examination, which specifically refer to police infrastructure provision and contributions.

At the time of the Police's representations to the Draft Black Country Plan Consultation (Regulation 18), it was noted that there was inclusion in the Viability and Delivery Study of an indicative contribution of £43.00 per dwelling towards the funding gap in Police infrastructure from the need for additional services arising directly from the proposed scale of growth. This was welcomed and the need for financial contributions in the form of CIL/S106 needs to be taken forward into policy, as well as the contribution figure needing to be increased/ linked to inflation.

Harm will result if West Midlands Police do not have the necessary funding to maintain an appropriate level of service for existing and for future residents, work and visitors within Sandwell (and surrounding areas) and therefore it is imperative that the draft Sandwell Local Plan addresses the need for sustainable safe developments supported by essential infrastructure.

The accompanying Infrastructure Delivery Plan (IDP) should be regarded as integral to the local plan process with a commitment given to ensuring that it is maintained as a 'live document' throughout the plan period.

As with many publicly funded services, Police forces within England have seen significant reductions in resources since 2010 due to reduced budgets. During this period, WMP has seen real terms funding reductions of in excess around 22% before taking into account the police officer uplift programme. As a result, the PCCWM has adopted a continuing programme of budgetary reductions, which in turn has had implications for operational pressures, against a backdrop of continued development (and in particular housing) growth within the WMP Force area.

Changes in general population do not increase the overall funding made available to WMP through Central Government grant. Even if there were to be an increase in funding because of development growth, such funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital costs). That being the case, such funding would not be available to fund the infrastructure costs that are essential to support significant new development growth during the Plan Period.

Full details of Police funding requirements are set out in the previous PCCWM representations (Appendix 3), as reported in the Sandwell Infrastructure Delivery Plan Part

1: Infrastructure Needs Assessment, November 2023. These funding requirements have since been updated to reflect the latest full year (2023) statistics (Appendix 4). It should be noted that these latest figures supersede all previous versions, including the aforementioned indicative contribution provided during the Black Country Plan Consultation.

In order to meet the national policy objectives of ensuring safety, reducing crime and the fear of crime, it is vital that the Police are not under-resourced or deprived of legitimate sources of funding. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (such as workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions.

If additional policing infrastructure is not provided, future growth in Sandwell will seriously impact on the ability of the Police to provide a safe and appropriate level of service and to respond to the needs of the local community. That outcome would be contrary to national policy.

Without this, the PCCWM objects to the Regulation 19 draft Sandwell Local Plan. As the statutory Development Plan, it is the purpose of the draft Sandwell Local Plan to confirm the types of infrastructure which will be required to provide sustainable development in the Borough during the plan period and a new policy should be drafted accordingly.

Comments on the Glossary

The PCCWM supports the inclusion of a definition of Secured by Design and Park Mark in the Glossary.

The PCCWM would be grateful if you could reflect on the objections set out in these representations prior to submission of the local plan. Without their inclusion the PCCWM considers the plan would not be sound nor fully reflect national

■ planning policy.

Change suggested by respondent:

■ -

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Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Duty to Co-operate

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Full text:

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Planning for Waste Management

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WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany'

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operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'. WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SCC2 – Reducing operational carbon in new build non-residential development

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);

Full text:

Duty to Cooperate

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SCC3 – Climate-adapted Design and Construction

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

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 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA1 – Waste Infrastructure Future Requirements

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);

Full text:

Duty to Cooperate

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA5 – Resource Management and New Development

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);

Full text:

Duty to Cooperate

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Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SEC3 – Local Employment Areas

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3)

Full text:

Duty to Cooperate

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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA1 – Waste Infrastructure Future Requirements

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1)

Expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);

Allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1)

Encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1)

Full text:

Duty to Cooperate

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- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of

a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;

- WMRTAB notes and supports:

- o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;

- o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SEC3 – Local Employment Areas

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This

includes the fact that

waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;

• WMRTAB notes and supports:

o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;

o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA2 – Waste Sites

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: Policy SWA2 – Waste Sites

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

Protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide Page 3 of 8 further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput; to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read: 'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'
- It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;
- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany'

waste management

operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'. WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1571

Comment

Document Element: Policy SWA1 – Waste Infrastructure Future Requirements

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This

includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;

• WMRTAB notes and supports:

o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;

o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1572

Comment

Document Element: Policy SWA2 – Waste Sites

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:

'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations

are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1575

Object

Document Element: SMETHWICK

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'. WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
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- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
- to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read:
'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'

It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;

- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany' waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

Change suggested by respondent:

■ -

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

Document Element: 13. Waste and Minerals

Respondent: West Midlands Resource Technical Advisory Body (Mr Ian Blake) [217]

Date received: 11/11/2024 via Email

Summary:

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;
- WMRTAB notes and supports:
 - o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;
 - o clarification of the

Full text:

Duty to Cooperate

WMRTAB is pleased to confirm that Sandwell Metropolitan Borough Council is an active member of WMRTAB and an officer from the Council regularly attends the group's meeting and contributes to its work. WMRTAB has therefore facilitated discussion between Sandwell Metropolitan Borough Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate (DtC) on matters pertaining to the planning for waste management. Furthermore Sandwell Council is a signatory to the WMRTAB Statement of Common Ground.

Planning for Waste Management

WMRTAB is pleased to see that the important matter of waste management has been planned for in the Local Plan and considers that the Vision and Objectives broadly address issues associated with waste management which will arise during the SLP period. WMRTAB also supports the inclusion of a chapter dedicated to waste (and minerals) (Chapter 13). WMRTAB welcomes the fact the SLP addresses the management of all forms of waste (paragraph 13.6).

WMRTAB notes and broadly welcomes policy which:

- Encourages development to utilise heat and energy generated from energy from waste facilities (Policy SCC2);
- encourages reduction of waste from construction (Policy SCC3 and Policy SWA1);
- encourages design of buildings to ensure ease of end of life disassembly and material reuse (policy SCC4);
- requires all new development to consider in detail how waste will be minimised, managed and utilised in construction e.g. recycled materials (Policy SWA5);
- requires Local Employment Areas to be safeguarded for various uses which includes waste collection, transfer and recycling uses (Policy SEC3);
- sets out the overall strategy for waste management and identifies how much new waste management capacity is likely to be needed (Policy SWA1);
- expects waste to be managed in accordance with the waste hierarchy and the proximity principle (Policy SWA1);
- allows for capacity to be developed which will ensure waste can be managed in accordance with the waste hierarchy and will reduce reliance on other authority areas (Policy SWA1);
- encourages collaborative working with neighbouring authorities 'who import waste into, or export waste out of, Sandwell, to ensure a cooperative cross boundary approach to waste management is maintained' (Policy SWA1);
- gives priority to the safeguarding of existing and allocated sites for their continued use and the retention of the local employment areas in which they occur (Policy SEC3 and Policy SWA2);
- protects existing sites from encroachment by other forms of development and requires a 'Waste Site Impact Assessment' for development proposals which might impact on the effective operation of existing waste sites (Policy SWA2). WMRTAB notes that the addition of a reference to the 'agent of change' principle, mentioned in the NPPF, in paragraph 13.41, might provide further clarification/support for this approach. WMRTAB considers that to ensure the effectiveness of this policy, this requirement should be extended to development proposed proximate to preferred locations allocated for waste management use in the Local Plan.

WMRTAB makes the following further comments which are intended to help ensure the effectiveness of the Plan:

- The term 'Major' should be defined in clause 1. c. of Policy SHW1 It is recommended that such a definition considers site area and waste throughput;
 - to avoid ambiguity and ensure the objectives of the Plan are met, WMRTAB suggests that the term 'maximum' replaces 'existing' in clause 1 of Policy SWA2 to read: 'Sandwell will safeguard all existing strategic and other waste management facilities from inappropriate development, to maintain existing maximum levels of waste management capacity and meet Strategic Objective 17, unless it can be demonstrated that:.....'
- It is considered that this change will improve the effectiveness of the policy by clarifying that the maximum throughput of a facility should be safeguarded;
- WMRTAB notes that paragraph 3.53 of the Plan suggests that 'negative environmental impacts' 'generally accompany'

waste management operations. WMRTAB does not agree with this statement as, while waste management operations are generally industrial in their appearance, modern waste management facilities do not 'generally' result in 'negative environmental impacts'.

WMRTAB request that this statement be modified as, without modification, this may make it unduly challenging for proposals for waste management facilities to be granted planning permission in accordance with the policies of the SLP.

WMRTAB has the following additional comments:

- WMRTAB notes and broadly supports the manner in which waste management capacity gaps have been identified. This includes the fact that waste management capacity requirements have been assessed with the objective of achieving net self-sufficiency;

- WMRTAB notes and supports:

- o the separate consideration of waste imports and exports at paragraphs 13.25 to 13.28;

- o clarification of the contents of, a Waste Site Impact Assessments in paragraph 13.42.

change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1337

Comment

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Woodland Trust (Mr Ben Green) [100]

Date received: 04/11/2024 via Email

Summary:

The Council's tree canopy cover is just 18.1 per cent, which contrasts to an average of 38 per cent across the EU. Therefore, we believe that woodland creation and conservation should be a major priority for the LP. We salute the Council's ambition to oversee a six per cent canopy cover uplift, which should be informed by extensive opportunity mapping we funded via the former Black Country Consortium,¹ but this inevitably comes with caveats.

Principally, it is key to select the right tree for the right place and, while we recognise the role non-native trees will play in meeting near-term targets, as well as the ability of some to confront specific concerns like air pollution on busy streets, they should be minimised both to prevent the introduction of pests and diseases through tree importation (viz. biosecurity risk) and to offer the greatest ability for already-existing flora and fauna to benefit. The maximum possible proportion of new trees should be native, and UK and Ireland Sourced and Grown (UKISG).² Not only are some pests hazardous to human health, but supporting local nurseries and tree growers confers an economic benefit. The overall ambition should be for a canopy cover of 30 per cent in new developments.

It is essential that the climate and nature crises are addressed jointly, with trees' remarkable ability to fight each recognised by the LP. Resolving the nature crisis resolves the climate crisis, but this is not necessarily true the other way around. So, while encouraged by the LP's references to trees' biodiversity contribution, we would like it to go further, assigning definite BNG targets while grasping future opportunities afforded by Local Nature Recovery Strategies (LNRSes) required by the Environment Act 2021. Complementing these should be a robust commitment to protection for individual AVTs where identified.

Specifically, we would like to see the LP expand on these environmental principles in the following ways.

- Protection of valued habitats must be at the heart of the LP. In particular, irreplaceable habitats, including AVTs, must be protected from loss and damage. To achieve this, the LP should:
 - Give weight to the relevant LNRS as it is refined. This should identify ancient woodland sites to ensure that development is not allocated in close proximity to ancient woodland.
 - For AVTs, the LP should encourage their recording on the Ancient Tree Inventory³ as a matter of course and consider locations where it might be suitable to place a Tree Preservation Order on any ancient, veteran, or notable trees recorded.
 - Adhere to appropriate buffering standards for ancient woodland and AVTs:
 - Preserve a 50-metre buffer⁴ between new developments and ancient woodland. Still greater buffers may be needed for major engineering work or disruptive post-construction activities. An absolute commitment to safeguard ancient woodland is welcome, but should be accompanied by buffering.
 - For AVTs, ensure a Root Protection Area that is 15 times the trunk's diameter or extends five metres beyond the canopy, whichever is greater.
 - Assess the nitrogen impact of ammonia-emitting developments on ancient woodland less than five kilometres distant.
 - For non-AVTs, adopt the Bristol Tree Replacement Standard⁵ with respect to felling and specify replacement trees be planted no more than 12 times the distance of the original tree's trunk diameter, to correspond with root extent area.

These measures will help safeguard the ecological integrity of ancient woodland and the health of AVTs in the face of development pressures.

Full text:

The Council's tree canopy cover is just 18.1 per cent, which contrasts to an average of 38 per cent across the EU. Therefore, we believe that woodland creation and conservation should be a major priority for the LP. We salute the Council's ambition to oversee a six per cent canopy cover uplift, which should be informed by extensive opportunity mapping we funded via the former Black Country Consortium,¹ but this inevitably comes with caveats.

Principally, it is key to select the right tree for the right place and, while we recognise the role non-native trees will play in meeting near-term targets, as well as the ability of some to confront specific concerns like air pollution on busy streets, they should be minimised both to prevent the introduction of pests and diseases through tree importation (viz. biosecurity risk) and to offer the greatest ability for already-existing flora and fauna to benefit. The maximum possible proportion of new trees should be native, and UK and Ireland Sourced and Grown (UKISG).² Not only are some pests hazardous to human health, but supporting local nurseries and tree growers confers an economic benefit. The overall ambition should be for a canopy cover of 30 per cent in new developments.

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(LNRSEs) required by the Environment Act 2021. Complementing these should be a robust commitment to protection for individual AVTs where identified.

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 - Adhere to appropriate buffering standards for ancient woodland and AVTs:
 - Preserve a 50-metre buffer⁴ between new developments and ancient woodland. Still greater buffers may be needed for major engineering work or disruptive post-construction activities. An absolute commitment to safeguard ancient woodland is welcome, but should be accompanied by buffering.
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 - For non-AVTs, adopt the Bristol Tree Replacement Standard⁵ with respect to felling and specify replacement trees be planted no more than 12 times the distance of the original tree's trunk diameter, to correspond with root extent area.

These measures will help safeguard the ecological integrity of ancient woodland and the health of AVTs in the face of development pressures.

The LP must go beyond minimum requirements for BNG and be an example of best practice:

- The LP should require all development projects to deliver 20 per cent BNG minimum.
- Consideration should be given to the quantum of other investment sources (public and private) which will be needed in order to meet these targets.
- The LP should require BNG units to be maintained for a minimum of 50 years, not just the 30 set out in the Environment Act.
 - This is particularly important for woodland creation, as it takes many decades for new woods to reach maturity and their full ecological potential.
 - BNG should deliver a rich mix of habitats including native woodland, informed by LNRSEs.
 - Habitat creation funded through other mechanisms (such as public funds) should also be maintained in the long term.

The LP should give strong weight to LNRSEs for development site allocation at a local level:

- This will be essential to embed avoidance of impacts to existing sensitive natural assets, by providing a 'spatial' element to site allocation decisions. It is vital that development is allocated in a way which protects important sites for nature, maintains ecological integrity and maximises potential enhancements from land in recovery.
- Once a site has been allocated in a local plan, it is more likely to receive planning permission, so it is essential to embed ecologically coherent criteria for spatial prioritisation at the framework level.
- LNRSEs should also be used to inform priority locations for the provision of green infrastructure, and habitat creation and enhancement through BNG.

• The LP should set standards for high-quality green infrastructure for development:

- Major developments should provide five UKISG-compliant trees per dwelling or per 1,000m² of non-residential floorspace.
- Similarly, no one should be more than 300 metres from the nearest natural green space, with safe and accessible routes.
- Consideration should also be given to the Woodland Trust's Access to Woodland Standard which aspires that everyone should have a small wood of at least two hectares in size within 500 metres of their home, and a larger wood of at least 20 hectares in size within four kilometres of where they live.
- A strong tree retention standard⁷ for responsible development must also be embraced, ensuring the preservation of trees and their ecological benefits. This standard will require a thorough tree survey during initial site investigations, categorising trees by their health and quality (A, B, C or U), and submitting a clear Tree Retention Plan. Additionally, it will mandate the creation of a Tree Protection Plan, safeguarding tree root systems and establishing construction exclusion zones (CEZs).

In summary, we consider that the Environmental Principles must be treated as a foundational component of the LP. As part of incorporating the principles, the LP must support the protection of sensitive natural assets, such as AVTs; be an exemplar of emerging BNG practice; and set high standards for the retention and provision of trees within developments.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1338

Comment

Document Element: Policy SNE2 – Protection and Enhancement of Wildlife Habitats

Respondent: Woodland Trust (Mr Ben Green) [100]

Date received: 04/11/2024 via Email

Summary:

The LP must go beyond minimum requirements for BNG and be an example of best practice:

- The LP should require all development projects to deliver 20 per cent BNG minimum.⁶
- Consideration should be given to the quantum of other investment sources (public and private) which will be needed in order to meet these targets.
- The LP should require BNG units to be maintained for a minimum of 50 years, not just the 30 set out in the Environment Act.
 - This is particularly important for woodland creation, as it takes many decades for new woods to reach maturity and their full ecological potential.
 - BNG should deliver a rich mix of habitats including native woodland, informed by LNRSes.
 - Habitat creation funded through other mechanisms (such as public funds) should also be maintained in the long term.

Full text:

The Council's tree canopy cover is just 18.1 per cent, which contrasts to an average of 38 per cent across the EU. Therefore, we believe that woodland creation and conservation should be a major priority for the LP. We salute the Council's ambition to oversee a six per cent canopy cover uplift, which should be informed by extensive opportunity mapping we funded via the former Black Country Consortium,¹ but this inevitably comes with caveats.

Principally, it is key to select the right tree for the right place and, while we recognise the role non-native trees will play in meeting near-term targets, as well as the ability of some to confront specific concerns like air pollution on busy streets, they should be minimised both to prevent the introduction of pests and diseases through tree importation (viz. biosecurity risk) and to offer the greatest ability for already-existing flora and fauna to benefit. The maximum possible proportion of new trees should be native, and UK and Ireland Sourced and Grown (UKISG).² Not only are some pests hazardous to human health, but supporting local nurseries and tree growers confers an economic benefit. The overall ambition should be for a canopy cover of 30 per cent in new developments.

It is essential that the climate and nature crises are addressed jointly, with trees' remarkable ability to fight each recognised by the LP. Resolving the nature crisis resolves the climate crisis, but this is not necessarily true the other way around. So, while encouraged by the LP's references to trees' biodiversity contribution, we would like it to go further, assigning definite BNG targets while grasping future opportunities afforded by Local Nature Recovery Strategies (LNRSes) required by the Environment Act 2021. Complementing these should be a robust commitment to protection for individual AVTs where identified.

Specifically, we would like to see the LP expand on these environmental principles in the following ways.

- Protection of valued habitats must be at the heart of the LP. In particular, irreplaceable habitats, including AVTs, must be protected from loss and damage. To achieve this, the LP should:
 - Give weight to the relevant LNRS as it is refined. This should identify ancient woodland sites to ensure that development is not allocated in close proximity to ancient woodland.
 - For AVTs, the LP should encourage their recording on the Ancient Tree Inventory³ as a matter of course and consider locations where it might be suitable to place a Tree Preservation Order on any ancient, veteran, or notable trees recorded.
 - Adhere to appropriate buffering standards for ancient woodland and AVTs:
 - Preserve a 50-metre buffer⁴ between new developments and ancient woodland. Still greater buffers may be needed for major engineering work or disruptive post-construction activities. An absolute commitment to safeguard ancient woodland is welcome, but should be accompanied by buffering.
 - For AVTs, ensure a Root Protection Area that is 15 times the trunk's diameter or extends five metres beyond the canopy, whichever is greater.
 - Assess the nitrogen impact of ammonia-emitting developments on ancient woodland less than five kilometres distant.
 - For non-AVTs, adopt the Bristol Tree Replacement Standard⁵ with respect to felling and specify replacement trees be planted no more than 12 times the distance of the original tree's trunk diameter, to correspond with root extent area.

These measures will help safeguard the ecological integrity of ancient woodland and the health of AVTs in the face of development pressures.

The LP must go beyond minimum requirements for BNG and be an example of best practice:

- The LP should require all development projects to deliver 20 per cent BNG minimum.
- Consideration should be given to the quantum of other investment sources (public and private) which will be needed in order to meet these targets.

- The LP should require BNG units to be maintained for a minimum of 50 years, not just the 30 set out in the Environment Act.

- This is particularly important for woodland creation, as it takes many decades for new woods to reach maturity and their full ecological potential.

- BNG should deliver a rich mix of habitats including native woodland, informed by LNRs.

- Habitat creation funded through other mechanisms (such as public funds) should also be maintained in the long term.

The LP should give strong weight to LNRs for development site allocation at a local level:

- This will be essential to embed avoidance of impacts to existing sensitive natural assets, by providing a 'spatial' element to site allocation decisions. It is vital that development is allocated in a way which protects important sites for nature, maintains ecological integrity and

- maximises potential enhancements from land in recovery.

- Once a site has been allocated in a local plan, it is more likely to receive planning permission, so it is essential to embed ecologically coherent criteria for spatial prioritisation at the framework level.

- LNRs should also be used to inform priority locations for the provision of green infrastructure, and habitat creation and enhancement through BNG.

- The LP should set standards for high-quality green infrastructure for development:

- Major developments should provide five UKISG-compliant trees per dwelling or per 1,000m² of non-residential floorspace.

- Similarly, no one should be more than 300 metres from the nearest natural green space, with safe and accessible routes.

- Consideration should also be given to the Woodland Trust's Access to Woodland Standard which aspires that everyone should have a small wood of at least two hectares in size within 500 metres of their home, and a larger wood of at least 20 hectares in size within four kilometres of where they live.

- A strong tree retention standard⁷ for responsible development must also be embraced, ensuring the preservation of trees and their ecological benefits. This standard will require a thorough tree survey during initial site investigations, categorizing trees by their health and quality (A, B, C or U), and submitting a clear Tree Retention Plan. Additionally, it will mandate the creation of a Tree Protection Plan, safeguarding tree root systems and establishing construction exclusion zones (CEZs).

In summary, we consider that the Environmental Principles must be treated as a foundational component of the LP. As part of incorporating the principles, the LP must support the protection of sensitive natural assets, such as AVTs; be an exemplar of emerging BNG practice; and set high standards for the retention and provision of trees within developments.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments:

1339

Comment

Document Element: Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows

Respondent: Woodland Trust (Mr Ben Green) [100]

Date received: 04/11/2024 via Email

Summary:

The LP should set standards for high-quality green infrastructure for development:

- Major developments should provide five UKISG-compliant trees per dwelling or per 1,000m² of non-residential floorspace.
- Similarly, no one should be more than 300 metres from the nearest natural green space, with safe and accessible routes.
- Consideration should also be given to the Woodland Trust's Access to Woodland Standard which aspires that everyone should have a small wood of at least two hectares in size within 500 metres of their home, and a larger wood of at least 20 hectares in size within four kilometres of where they live.
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Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Raise LPA: Not specified

Appear exam: Not specified

Attachments: