



**SANDWELL LOCAL PLAN - EXAMINATION IN PUBLIC
JANUARY 2025**

TOPIC PAPER – THE ENVIRONMENT

Appendix 2 – Responses to comments received at Regulation 18 stage

Heading / chapter / Policy No.	Key Issues Raised by the Representations	<ul style="list-style-type: none"> Councils' Response 	Proposed Change - Reg 19 policies
<ul style="list-style-type: none"> Sustainability Appraisal 			
<p>2. Spatial Strategy</p>	<p>Issues raised included the following:</p> <ul style="list-style-type: none"> canal network be included within Figure 2 - Sandwell Spatial Map evidence base is deficient in that it did not include a review of the Green Belt need to consider amending Green Belt boundary to comply with paragraphs 142 and 143 of the NPPF Council doesn't seem to be taking strong enough, immediate action to keep emission levels down. 	<ul style="list-style-type: none"> The evidence used to establish the parameters for the SLP spatial strategy drew on the information used to inform the BCP, which included an in-depth GB assessment undertaken by LUC. This looked in detail at green belt parcels across the BC including in Sandwell. As part of this work, potential sites and locations were considered in terms of both housing and employment uses and the potential impacts on the GB of both uses were recorded and used to identify the subsequent GB allocations. Sandwell has taken forward a number of the former BCP allocations and in turn has considered the evidence relating to GB for all reasonable alternative sites in its area. It is the view of Sandwell Council that this work remains extant. As such, there is no intention to undertake a further GB review. This is also in accordance with the recent revision to the NPPF. In December 2023 there was a key change to national planning policy as set out in paragraph 145 of the NPPF: <i>"Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the planmaking process."</i> This change means that local authorities preparing a Local Plan who do not have enough suitable land to meet their housing or employment development needs, can now choose whether or not to review the green belt to release land for more housing or employment development. 	<p>Amend Strategic Transportation Network map to include canal network</p> <p>No change to approach to green belt</p> <p>Council commissioned a review of the climate change policies in the plan to ensure they were up to date and deliverable</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
5. Climate Change	<ul style="list-style-type: none"> Consider how the historic environment can contribute to the climate change agenda, which measures are appropriate in the context of the historic environment and how heritage assets need to be considered. 	<ul style="list-style-type: none"> comments noted. 	<p>Amended text to refer to potential impacts of climate change adaptation on the historic environment</p> <p>Extant climate change policy refers to impacts on the historic environment related to climate change adaptation and mitigation - added reference to proposals for climate change related development minimising or designing out impacts on the historic environment or the setting of heritage assets.</p>
8. Assessment of reasonable alternative development sites	<ul style="list-style-type: none"> SA provides no justification for why development on land within the Green Belt was not considered as part of any of the "reasonable alternative" spatial strategy options assessed in the SA ... The failure to consider Green Belt release as part of any of the "reasonable alternatives" is a fundamental flaw which must be addressed. 	<ul style="list-style-type: none"> The SA appraises the options chosen by the Council and as such does not of itself need to justify why GB was not taken forward. Sandwell's view that the green belt should not be identified for development was reiterated during the latter stages of the BCP and is now part of its approach to development, as set out in the Spatial Strategy paper. A review of the GB was undertaken for the BCP and it is the view of Sandwell Council that this work remains extant. As such, there is no intention to undertake a further GB review (see response above). 	No change to policy
Appendices to SLP			
<p>APPENDIX A – Nature Recovery Network and Biodiversity Net Gain</p> <p>Figure 2 - Extract from report - location of high and</p>	<ul style="list-style-type: none"> This is at odds with other policies being promoted in parallel such as BNG credits. Priority Network Restoration Zones should be the basis on Sandwell's local plan and not [BNG] credits Object to the choice of these sites and the evidence on which they are based which appears very flimsy. You cannot measure biodiversity or "bank" it. ...and this policy appears to favour 	<ul style="list-style-type: none"> The LNRS has been included as part of the SLP and will need to be taken into account when decisions on planning proposals are made. Noted. BNG is a statutory national requirement and the Council is bound by legislation to observe it. The work on identifying potential BNG habitat sites was undertaken in an attempt to retain increased 	<p>No change to policy</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	• Councils' Response	Proposed Change - Reg 19 policies
medium value sites for BNG	relocation of biodiversity away from the original Sandwell Nature Recovery Network map, which includes our area.	environmental and habitat value in Sandwell as possible, to avoid it being lost to sites outside the borough - national credits can be bought by developers where no other options are available and can / will be used to fund projects outside the West Midlands in some cases.	
Biodiversity net gain (general comments) Paragraph 4.21, 4.27, 4.28	<ul style="list-style-type: none"> • Fundamentally object to BNG. You cannot allow destruction of habitat under the fake guise of "creating" it somewhere else. ... It is a fraud to pretend they are then enhancing it somewhere else when this process will be manmade and interfere what is already there. ... • Suggest revising the third paragraph for clarity. Sealed surfaces don't provide any BNG units, true, but this paragraph reads like a site with sealed surfaces is exempt from BNG requirement (which isn't the case) • Sensitive lighting plans can't be included with optional enhancement measures (like insect hotels, hedgehog gates). They are often a mitigation measure to ensure important linear habitats for bats are retained post- development. This could should be taken out of this list. 	<ul style="list-style-type: none"> • Noted. BNG is a statutory national requirement and the Council is bound by legislation to observe it. • Noted. It is not currently clear to the Council what steps can be taken to identify suitable BNG requirements on sites with a zero score under the current matrix. 	No change to policy Amended references to lighting to retain in justification but remove from list in paragraph 4.28
Sandwell Local Plan Introduction, Vision and objectives			
Vision for Sandwell	<ul style="list-style-type: none"> • Add reference to 'biodiversity' 	<ul style="list-style-type: none"> • Comment noted. 	Amended text as suggested
Sandwell Spatial Portrait	<ul style="list-style-type: none"> • Para 72 - reflect the industrial heritage of the area and how it shaped the local identity of the area. • Para 73 - Amend to 'Registered Parks and Gardens'. 	<ul style="list-style-type: none"> • Noted. 	Amended text as suggested

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> Consider amending heritage conservation areas to <i>conservation areas and the setting of heritage assets</i> or something similar. Local Plan to provide a 'positive strategy' for protecting irreplaceable heritage assets. Refer to heritage as a component of landscape. 		
Priorities and Objectives, Table 3	<p>Objectives</p> <ul style="list-style-type: none"> 3: suggested wording revision '<i>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</i>' 6: Should include wording on ensuring new development should aim to maximise biodiversity benefit and ensure they tie into wider ecological networks. 7: Clarity is sought on what 'resilience' means in this context? Presumably resilient to climate change? 	<ul style="list-style-type: none"> Noted. 6 - biodiversity is covered in Objective 3, while this objective relates specifically to issues around housing. There is no need to duplicate references where they are covered elsewhere in the objectives. 7 - reference to resilient communities relates to their general wellbeing in terms of health, social networks, community facilities and opportunities. 	Amend Objective 3 to include reference to equity of access.
Sandwell Local Plan policies and justification			
Policy SDS1 – Development Strategy	<ul style="list-style-type: none"> Clause j - This could be amended to read <i>conserve and enhance the significance of the historic environment, heritage assets and their settings through xxx</i> to ensure that it is the significance of heritage assets that is being considered and protected through the policy text. 	<ul style="list-style-type: none"> Note comments 	Amended policy to reflect suggested change
	<ul style="list-style-type: none"> Failure to meet the housing needs of Sandwell will inhibit growth and do nothing to address the current housing crisis, with implications for the 	<ul style="list-style-type: none"> Note comments See response above under 2. Spatial Strategy 	No change to policy

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>economy and population of wider region. ... not only significant unmet housing need but also a significant unmet employment need ... 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</p>		
	<ul style="list-style-type: none"> ... the 14 GBBCHMA authorities should be seeking to agree a strategy now for how the unmet needs up to 2031 and beyond will be comprehensively met in full. As part of this all authorities should be exploring all options for growth, including the release of Green Belt land, given the unmet need represents exceptional circumstances for reviewing Green Belt boundaries 	<ul style="list-style-type: none"> Note comments See response above under 2. Spatial Strategy Duty to Cooperate - Sandwell is continuing to work with the GBBCHMA authorities on identifying opportunities for additional housing growth across the area and will be continuing to speak to neighbouring authorities as part of the DtC for the current plan. Work is underway to review the current HMA study, where alternative options and mechanisms for addressing the wider housing need will be considered. Sandwell will monitor other authorities housing delivery where there is agreement to meet some of Sandwell's need 	<p>No change to policy</p>
<p>Policy SDS6 – Green Belt</p>	<p>Various issues raised:</p> <ul style="list-style-type: none"> Council statement that there are no exceptional circumstances to warrant a Green Belt Review ... Council has no set plan for how the shortfall in housing needs is going to be met. While the limited extent of Sandwell's Green Belt and historical and environmental significance of Sandwell's Green Belt is appreciated, a more levelled approach to meeting housing need within Sandwell's Green Belt may be more appropriate with the allocation of housing sites to directly address the housing needs of local communities. 	<ul style="list-style-type: none"> See response above under 2. Spatial Strategy GB in Sandwell remains highly vulnerable to development pressures and continues to fulfil the main purposes of GB designation. Sandwell does not have sufficient land to meet its housing and employment land needs and allocating sites in the GB would not make any significant difference to this position. Allocating GB would instead have significant adverse impacts on openness, coalescence and protection of countryside. Council does not agree with the respondent's interpretation of the BCP approach to GB - this was a joint plan designed to address housing need across a 	<p>No change to policy wording</p> <p>Previous reference to paragraph 149 related to a superceded version of the NPPF; the updated reference referred to is now paragraph 154.</p> <p>Amend footnote to update NPPF ref to GB.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> • Para 150 of the NPPF references ... forms of development that are also not inappropriate in the Green Belt, which includes <i>e) material changes in the use of land (such as changes of use for outdoor sport or recreation)</i>. 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. • The Regulation 18 Draft version of the BCP which was consulted upon in autumn 2021 confirmed that the Black Country Authorities (including Sandwell) considered that there were “exceptional circumstances” to justify Green Belt release, that it had identified land that, if developed, would cause the least harm to Green Belt and the landscape. In that context, the draft BCP proposed to release land from the Green Belt for housing in Sandwell. • 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, whilst recognising their potential concurrent nature. • Re the potential recreational role of the Green Belt in Sandwell, development will 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. • Green Belt land should not merely prevent the coalescence of built-up areas but fulfil a range of 	<ul style="list-style-type: none"> • much wider area than Sandwell alone. As such and given the fact that both Dudley and Walsall contain considerably more GB than Sandwell, it was then appropriate to consider the GB as a source of additional provision across the wider BC area. At no time was the GB in Sandwell considered appropriate to provide for any significant housing or employment provision, reflected in the dearth of sites identified within it for such development. • The NPPF is clear about the nature of the GB and its roles / purpose and the SLP does not deviate from this. There is also no reason to allow development in the GB to facilitate recreational activity - large areas of Sandwell Valley itself are open for public access. While additional areas of publicly accessible open space are always welcome, there is no justification to allocate housing in the GB to allow for it. • The latest version of the NPPF continues to allow flexibility for local authorities to determine their own approach to the use / allocation of GB to meet housing needs. 	

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	• Councils' Response	Proposed Change - Reg 19 policies
	<p>functions including access for residents to natural landscapes. Sandwell is surrounded by the conurbation, so local areas of 'countryside' need to be protected.</p>		
<p>Policy SDS7 – Green and Blue Infrastructure</p>	<ul style="list-style-type: none"> • Green infrastructure is particularly important in densely populated areas like Sandwell. • The policy should exclude solar arrays and other energy related developments on any Green Belt or other agricultural land or other green space. • request a clause to be included in this policy regarding the historic environment and its function within Green/ Blue Infrastructure. • Whilst the policy itself contains several cross-references to other policies in the plan, including those relating to nature conservation ... climate change ... and wildlife habitats, there is no cross reference to policies SHW4 on Open Space and recreation nor SHW5 Playing Fields and Sports Facilities. • Green and blue infrastructure should also be enhanced through reduction in pollution, fly tipping, waste, litter etc, as well as infrastructure like sealed surfaces for cyclists and wheelchairs • Support green and blue infrastructure, particularly in relation to the canal network. Suggest ways in which it can be secured • would welcome a reference to the historic environment as a component of green and blue infrastructure and the role heritage plays 	<ul style="list-style-type: none"> • Note comments. 	<p>Include cross reference to open space policy Amend Policy to reflect registered parks and gardens</p>
<p>Policy SNE1 – Nature Conservation</p>	<ul style="list-style-type: none"> • For birds, new buildings can accommodate nest provision. Starlings, for instance, find their food in grassland areas but there may not be suitable 	<ul style="list-style-type: none"> • Policy SNE2 identifies opportunities for providing support to nesting and roosting birds 	<p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>nests. Buildings on the fringes of habitat could be required to include universal nesting bricks (swift bricks) and bat bricks.</p> <ul style="list-style-type: none"> Palmers Timber Site, Station Road, has been in employment use for a significant period of time and is currently in active use. Policy SNE1 is overly prescriptive and would hinder employment related development/ redevelopment on the site with the requirements for policy SNE1 4, 5 and 6. Object to the designation of the SLINC/wildlife corridor surrounding the developed part of the site, ... do not consider there is significant justification for the land to be designated as a SLINC. 	<ul style="list-style-type: none"> Should a site be allocated for development in the local plan, the potential impacts on environmental allocations were taken into account when that decision was made. As a result, while mitigation, enhancement and BNG requirements will still need to be addressed, the site itself is considered to be acceptable in principle for development. Development / redevelopment within the boundary of the existing site is also likely to be acceptable in principle, depending on the details of the proposals. The specific designation referred to is a very longstanding one dating back many years to former versions of the local plan for Sandwell. It does not appear to have been the case that the wildlife corridor designation has had any impact on the use of the site nor on any development that may have occurred in the interim. 	
<p>Policy SNE2 – Protection and Enhancement of Wildlife Habitats</p>	<ul style="list-style-type: none"> encourage [council] to consider requiring more than the minimum 10% biodiversity net gain in new developments. Part 14 of the policy is weakly worded. All development should aim to deliver ecological enhancement in some form. Good to see provision of bricks for urban birds but clearer wording would ensure all these species get the help they need. ... Swift bricks should be specified - they are a universal brick for a range of small bird species and are suitable for all types of development. These should be in 	<ul style="list-style-type: none"> The aim of this section of the policy is to encourage proposals that are not bound by BNG requirements to consider including ecological uplift where possible. The Council cannot enforce such provision but does want to encourage householders and others to think about how they might increase ecological value in residential areas. The policy's previous point requires major developments over a certain size / height and that will require planning permission to include provision for nesting birds as part of their application. Comment noted and support welcomed 	<p>No change to policy</p> <p>Amend reference in policy to specify swift bricks and BSI reference.</p> <p>Amend wording to reflect comments.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>addition to bat boxes and installed following best practice guidance for location ad number BS42021 can help here.</p> <ul style="list-style-type: none"> • RSPB welcomes the inclusion of a Swift-specific measure in Policy SNE2 (Item 13) and suggests some refinements to ensure maximum benefit for wildlife and to follow established precedent from other Local Plans. • Value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. ... 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 ... play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. ... canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands. • ... some areas of the Sandwell Local Plan BNG policy and guidance that will need revising and updating, ...[as] there is no need for Local Plan policies to repeat national guidance. For example, ... criteria two and eight are not necessary as they are merely repeating national policy. • ... 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 	<ul style="list-style-type: none"> • Councils' Response • Comment noted • Comment noted • According to advice from PAS an Overall Biodiversity Gain Plan that sets out how biodiversity gain will be achieved across the whole site on a phase-by-phase basis must be submitted to and approved by the planning authority before any development can be 	<p>No change to policy</p> <p>Amended policy to delete sections 2 and 8 to reflect changes to national guidance</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>development, and this may not result in 10% BNG on each phase.</p> <ul style="list-style-type: none"> • Local Nature Recovery Strategies are new initiative, and one has yet to be prepared that covers Sandwell. 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 to reflect the LNRS may be needed. • Section 3c: ... opportunity to mention the Local Nature Recovery Network, ... • Section 3d: This reads like developments will be expected to deliver priority habitats exclusively. ... • Support for minimum 10% BNG • The Biodiversity Net Gain site proposals include Warren Halls Park Strategic Open Space, which represents a cross boundary opportunity with Bumble Hole Nature Reserve within Dudley borough. Bumble Hole Local Nature Reserve is identified as a potential Biodiversity Net Gain Receptor Site within the draft Dudley Local Plan. 	<ul style="list-style-type: none"> • begun for outline planning permissions and phased development. The approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain (as they are not a grant of planning permission). The 10% (or as agreed) level of BNG should be agreed as part of the planning permission in the BNG Plan and delivered by the end of the development • There is an LNRS that covers Sandwell as well as the whole of the Black Country and it is included in the SLP in the appendices. In turn, work is being undertaken on a West Midlands LNRS, led by the West Midlands Combined Authority, which will provide a further strategic layer of guidance and requirements. • Comment noted • Comment noted • The SLP does not require anything above 10% and suggests a higher level of BNG may be sought where appropriate, but this would effectively be on an agreed basis and is not required formally. • Comment noted and support welcomed. While sites beyond the boundary of the local plan area cannot be specifically included in the SLP and policies map, SMBC would welcome the opportunity to undertake cross-boundary working on ecological matters with Dudley MBC and other LA partners and will look to 	<p>No change to policy</p> <p>No change to policy</p> <p>Amend wording to qualify reference to priority habitats</p> <p>No change to policy</p> <p>Amended the introductory wording of the policy to reflect opportunities for cross-boundary working.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	• Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> The draft Dudley Local Plan identifies the Saltwells Local Nature Reserve as a potential Biodiversity Net Gain Receptor Site, which borders onto Mousesweet Brook Local Nature Reserve/SINC within Sandwell borough. This site is not identified within the SLP as a Biodiversity Net Gain site. ... 		
<p>Policy SNE3 – Provision, Retention and Protection of Trees, Woodlands and Hedgerows</p>	<ul style="list-style-type: none"> Policy should state that replacement trees should not be planted where they would impact on sites identified / designated as archaeologically important Which trees are classified as 'large-canopied' for the purposes of this policy? A list should be provided either here or in the Tree Strategy document. There should be 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) There is no basis in the NPPF (2023) or Planning Practice Guidance for the introduction of blanket thresholds for canopy cover. 	<ul style="list-style-type: none"> Comment noted Comment noted The health or safety of extant trees on site should be assessed by a qualified person - the policy does not prevent the removal of trees that are unsafe. Work undertaken by the Urban Forestry and Woodland Advisory Committee (FWAC) Network, advisers to the Forestry Commission on urban forestry, recommended that a minimum standard for tree canopy cover is set for a local area, with evidence showing that 20% is an appropriate minimum target. Given the information provided by the Black Country iTree study, the evidence of poorer health outcomes in Sandwell and the guidance 	<p>Amendment made to Policy SNE2 part 5</p> <p>Amended justification to identify suitable examples of large-canopied trees.</p> <p>Amended policy justification to allow for poor quality trees to be discounted from canopy cover calculations</p> <p>Amended policy justification to allow for poor quality trees to be discounted from canopy cover calculations</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> Object to the requirement for 20% tree cover and 3-to-1 replacement of trees on development sites, on the basis that the policy requirements could greatly limit the development area available and also the space for the delivery of other specific types of biodiversity habitats that are needed to provide a 10% gain. 	<ul style="list-style-type: none"> provided by the Woodland Trust, the Council feels this approach is warranted. The Government's Ash Dieback advice requires a ratio of restocking of at least 3 to 1 to allow trees to establish. Sandwell's Tree Strategy identifies that ash trees are the second most prevalent species of tree in the borough, at 7.4%, and that an estimated 20,000 trees are likely to be lost in Sandwell in coming years. Given this, the importance of establishing a reasonable ratio to replace and maintain the tree stock in the borough becomes more important. 3:1 replacement will only be required where trees are felled, with the intention being to retain trees on site in the first place through appropriate layout and design. The SLP Viability work has considered this policy alongside other aspects of the natural environment that have a potential impact on sites and should it be determined that this is a major factor in site viability, the ratio can be revisited. 	
<p>Policy SNE4 - Geodiversity and the Black Country UNESCO Global Geopark</p>	<ul style="list-style-type: none"> Welcome a policy on the UNESCO Geopark and recognition of the important cultural heritage of the area and the contribution it has made in historical terms. Clause 1) consider re-phrasing to ensure that the significance of the asset and its integrity is fully protected and conserved for future generations. 	<ul style="list-style-type: none"> Comment noted 	<p>No change to policy</p>
<p>Policy SNE5 - The Rowley Hills</p>	<ul style="list-style-type: none"> This policy would benefit from strengthening the reference to the historic environment context of the area, including non-designated heritage assets and heritage features as well as the heritage components of landscape. 	<ul style="list-style-type: none"> Comment noted 	<p>Amended to strengthen references as suggested</p>
<p>Policy SNE6 – Canals</p>	<ul style="list-style-type: none"> refers to development proposals 	<ul style="list-style-type: none"> Comment noted 	<p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p><i>'...promoting high quality design, including active frontages onto the canal and improving the public realm...'</i></p> <p>The policy should acknowledge that such aspirations should be pursued where possible. Canalside development also offers the potential for waterfront views particularly from residential properties, and this should be stated in the context of seeking to achieve high-quality urban design and cross- referencing urban design policies.</p> <ul style="list-style-type: none"> • Objects to the omission of reference to the need to consider crime, anti-social 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. Suggest amended wording be inserted <p>CRT – welcome inclusion of policy, suggest some amended wording to reflect:</p> <ul style="list-style-type: none"> • Need to improve access • Use of CIL . s106 to support delivery • Use of canals to support SuDS in certain cases • Additional mooring facilities and managing impacts of new moorings • Policy should also cover new links onto, and across the canal to improve accessibility and reduce severance 	<ul style="list-style-type: none"> • Comments noted • Comments noted and support welcomed • Comments noted 	<p>Amended text inserted into policy to reflect need to design out crime and improve user safety</p> <p>Amended text as suggested, note reference to CIL / s106</p> <p>Amended text as suggested</p>
<p>Policy SHE1 – Listed Buildings and Conservation Areas</p>	<ul style="list-style-type: none"> • Historic England – welcome policy, request various wording changes to ensure policy is NPPF compliant 	<ul style="list-style-type: none"> • Comments noted and support welcomed 	<ul style="list-style-type: none"> • Amend policy wording to reflect irreplaceable nature of resource.

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> This policy is titled Listed Buildings and Conservation Areas but parts 1, 2 and 3 of the policy then talks about heritage assets and their settings- heritage assets, as defined in the NPPF, include locally listed buildings and sites of archaeological interest. The wording of parts 1,2 and 3 is welcomed, but perhaps the policy was intended to specifically relate to listed buildings and conservation areas (which are designated heritage assets, along with scheduled monuments and registered parks and gardens) Locally listed buildings should be considered and protected through planning policy - to maintain heritage, the unique character of Sandwell and recognition of embedded carbon in existing buildings. 	<ul style="list-style-type: none"> Note comments Noted and welcome support 	<ul style="list-style-type: none"> Amend reference to assessments to include need to specify and address harm. Amend to refer to recording loss on HER. Delete part 6 <p>Amend wording to clarify as necessary</p> <p>No change to policy</p>
<p>Policy SHE2 – Development in the Historic Environment</p>	<ul style="list-style-type: none"> It would be useful to define the Historic Environment Record here or elsewhere in the Plan. ... welcomes mention of ‘the canal network and its associated infrastructure, surviving canal- side pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes’ within SHE2 5e. ... requests cross-referencing to Canal Policy SNE6 within the justification text to 	<ul style="list-style-type: none"> Comment noted Comment noted 	<p>Amend Glossary</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>this section of the Policy ... to reflect the role of canal network can have in conserving locally distinctive historic aspects of Sandwell, both designated and non-designated</p> <ul style="list-style-type: none"> For consistency in the implementation of the shared Black Country evidence base, and in recognition of cross boundary considerations in relation to the historic environment, Dudley MBC would welcome further references to no reference made to the other two Historic Environment Area Designations (HEADS) identified in the Black County HLC these designations within the policy and for them to be reflected on the Policies Map. This is particularly relevant for site allocations which border/are adjacent to the Dudley borough boundary. Historic England – welcome policy, request various wording changes 	<ul style="list-style-type: none"> Comment noted. The policy states, "proposals have been prepared with full reference to the Black Country Historic Landscape Characterisation Study (October 2019)," and the supporting text summarises the individual designations in broad terms "This was a review of the existing historic environment evidence base carried out to identify areas of significance to the historic environment, based upon the area's historic landscape and townscape, as well as its archaeological and designed landscape value." Links to the work have been provided, but for the avoidance of doubt, a more specific reference will be included in the justification. Comments noted 	<p>Amend justification to clarify designations and consider including on an inset map.</p> <ul style="list-style-type: none"> Amend to state that where schemes will have a significant adverse impact on the heritage asset in question that cannot be mitigated or justified, they will be refused. Change reference to heritage asset in s.3 Amend list in s5 to clarify it is indicative and not exclusive. Note comments - amend justification to include reference to suitably qualified staff etc. Amend para 4.123 as suggested <p>Other aspects of HE's suggested changes are already incorporated in the current</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
			NPPF and as such do not need to be replicated in the policy.
Policy SHE3 – Locally Listed Buildings	<ul style="list-style-type: none"> If demolition is required, there should be 100% offset of embedded carbon related to the new development to further make demolition less attractive than restoration. 	<ul style="list-style-type: none"> Comment noted 	No change to policy
	<ul style="list-style-type: none"> Consider referring to significance generally in this clause. It would be useful to have a link to the Sandwell Local List. We are supportive of a Local List and welcome this. 	<ul style="list-style-type: none"> Comment noted. Not clear which part of the policy is being referred to, unless referring to section 1 and removing reference to architectural and historic significance? 	No change to policy
Policy SHE4 - Archaeology	<ul style="list-style-type: none"> ... welcome the addition of Chances Glassworks, Smethwick Engine Arm Aqueduct, and Smethwick Engine House within the list of Scheduled Ancient Monuments within Sandwell and acknowledges the protection afforded to them under SNE4 - Archaeology. Suggestions for correcting references to excavations Historic England – request various wording changes. Ensure that heritage assets are referred to in line with the relevant clauses of Section 16 of the NPPF Paragraph 4.114 - ... needs reference to the setting of heritage assets as well as an understanding of the context in which they are in and any relationships they may have with other heritage assets within the area/ heritage landscapes etc. 	<ul style="list-style-type: none"> Comment noted Comments noted Part three of the policy already states that schemes that will have an adverse impact on archaeological significance will be refused. Local plan policies should not repeat what is in national guidance, so repeating the NPPF wording would be unnecessary. Comment noted. Policy refers specifically to the setting of historic buildings and structures - does not need to be included in introduction. Policy SHE1(4) specifically references the setting of listed buildings. This is also addressed in SHE2. 	<p>No change to policy</p> <p>Amend wording as suggested</p> <p>Amend to clarify and emphasise importance of undesignated archaeological assets.</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> Paragraph 4.131 Should be reworded to say that "Scheduled monuments in Sandwell currently consist of:" 	<ul style="list-style-type: none"> Comment noted 	<p>Amend wording as suggested.</p>
	<ul style="list-style-type: none"> 4.134 this section needs rewording 	<ul style="list-style-type: none"> Comment noted 	<p>Amend text to paragraph as suggested. Include footnote to other relevant guidance.</p>
<p>Please note – the SLP climate change policies were significantly reworked and revised in 2024 to ensure their continued accuracy and deliverability. These comments and responses refer to the former wording in the Regulation 18 version of the SLP</p>			
<p>Policy SCC1 – Increasing efficiency and resilience</p>	<ul style="list-style-type: none"> ... for a high proportion of heritage property stock, as well as modern ... stock (prior to BREEAM standards), retrofitting will be the substantial mainstay for making a property energy efficient and sustainable. The design and installation of solar panels, heat source pumps and triple glazing etc., their position on a building or location on site can be significantly detrimental, and risks degrading a building that makes a positive contribution through its architectural attributes or local distinctiveness. draft policy should include assessment criteria against which the local planning authority can determine whether a development compliant with its climate change and energy policies in the context of local requirements and site-specific circumstances. Whilst the sentiment of maximising opportunity and minimising impact where possible is in the spirit of the guidance provided by the Framework, it does not make for a development plan policy that is easily applied to individual development proposals. The policy is arguably not sound in the absence of prescriptive, unambiguous assessment criteria. 	<ul style="list-style-type: none"> Comment noted Noted. CC1 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. 	<p>No change to policy</p> <p>Move CC1 to form part of strategic development policy chapter (now SDS2)</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> 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, which are currently out for consultation. ... draws the Council's attention to the recent Ministerial Statement on this issue which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale 	<ul style="list-style-type: none"> Comments noted. Once new Building Regulation legislation is adopted, that will take precedence over any relevant policy in the SLP. Until such time the Council will retain appropriate policies on climate change mitigation and adaptation. Ministerial statement noted - also see S.1(1) of the Planning and Energy Act 2008 (as amended by the Levelling-up and Regeneration Act 2023), which states that: <ul style="list-style-type: none"> A local planning authority in England may in their local plan and any supplementary plan...include policies imposing reasonable requirements for— <ul style="list-style-type: none"> (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development; (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development; (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations. 	<p>No change to this policy – see note above re: overall changes to chapter</p> <p>Sought advice on representation from Building Regs</p> <p>BR response - <i>This out for consultation and we don't have a date yet. AD L is a document the government like to update on a regular basis.</i></p>
<p>Policy SCC2 – Energy Infrastructure</p>	<ul style="list-style-type: none"> Clause 4 is useful. It may need to be stated that development which causes harm will be resisted or other solutions sought. Support. Should be a rigorous viability test to avoid developers from avoiding the requirement Part 1-4 of Policy SCC2 relates to decentralised energy networks and district heating provision. While FCC supports measures to promote renewable energy provision, we object to these 	<ul style="list-style-type: none"> Support noted and welcomed Comments noted. Once new Building Regulation legislation is adopted, that will take precedence over any relevant policy in the SLP. Until such time the Council will retain appropriate policies on climate change mitigation and adaptation. 	<p>No change to policy</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>policy clauses due to the lack of evidence to support the requirements set out.</p> <ul style="list-style-type: none"> Part 6 sets out further detailed information that will need to be provided in relation to Part 5. We object to the need for these requirements because Part L of the Building Regulations and the Future Homes Standards will appropriately cover this issue. concerned about mandatory requirements to connect to district heating network ... The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered. 	<ul style="list-style-type: none"> Ministerial statement noted - also see S.1(1) of the Planning and Energy Act 2008 (as amended by the Levelling-up and Regeneration Act 2023), which states that: <ul style="list-style-type: none"> A local planning authority in England may in their local plan and any supplementary plan...include policies imposing reasonable requirements for— <ul style="list-style-type: none"> (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development; (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development; (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations. The Government is supportive of heat networks and the Council is considering options for possible introduction within the borough. The main scheme the Council is currently looking at would utilise heat derived from an Energy from Waste facility. The most recently updated guidance demonstrates a clear commitment to the delivery of heat network zones. We await further clarification around the zoning process. Exemptions based on viability, feasibility etc. are included in the Policy and reiterated in the justification. The flexibility requested from HBF appears to be included in policy point 1 & 3, in the form of including options for exemption. The phrase 'not suitable' in part 1 provide an option for the council to agree it is not cost effective for residents or that it is not the best option from a carbon 	<p>No change to policy</p>

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> policy is not clear in respect of on what grounds applicants will be able to demonstrate that development is not suitable, feasible or viable for district heat or decentralised power networks. The draft policy should be revised to remove ambiguity and introduce additional trigger thresholds to ensure that it is sound in the context of being clear and positively prepared. 	<ul style="list-style-type: none"> perspective, depending on the receipt of robust evidence to demonstrate this Point 5.31 of justification also points out "Heat Networks can also be future-proofed for transition to other fuels" Government is working to provide increased consumer protection which will be introduced as part of heat networks regulatory framework. The intention is to provide developers with the flexibility to make a case for a lack of viability / feasibility. The requirement is for developers to link to heat networks unless they can demonstrate there is a clear and robust reason not to do so - this is for the developer to identify, not for the LPA to suggest. The thresholds relate to major vs minor developments and any suggested additional thresholds have not been identified. 	<p>No change to policy</p>
<p>Policy SCC3 – Managing Heat Risk</p>	<ul style="list-style-type: none"> Clause 2, consider the potential impacts for the historic nature of canals and ensure that this is protected and conserved. Whilst all development proposals can be subject to design materials choices in the context of managing heat risk, it is potentially only on larger development sites where there is the potential for layout and orientation choices to have a bearing on heat risk. Similarly, the cooling hierarchy set out in the draft policy is not necessarily appropriate or applicable to all development proposals. 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 	<ul style="list-style-type: none"> Comment noted. This is effectively covered in the historic environment section / policies. 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. Disagree 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. 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. 	<p>No change to policy</p> <p>Amend wording to establish that the policy will apply to new buildings used for residential, employment or educational purposes.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>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.</p> <ul style="list-style-type: none"> welcomes mention of the canals as a potential component of heat risk management within Policy 	<ul style="list-style-type: none"> Part O of the amended building regs - addresses the need to promote passive ventilation over mechanical ventilation policy based on one in the London Plan (Policy 5.9 heating and cooling) note and welcome support 	<p>No change to policy</p>
<p>Policy SCC4 – Flood Risk</p>	<ul style="list-style-type: none"> Flood Risks, identifies waste (and mineral) facilities as the only types of development where all such proposals would require a flood risk assessment and surface water drainage strategy ... All new developments in the following locations should be accompanied by a flood risk assessment and surface water drainage strategy that sets out how the development will provide a betterment in flood risk terms i.e., help to reduce flood risk both on and off site welcomes the inclusion of <i>'there is an extensive canal network throughout the Sandwell area, including culverts and feeder streams'</i> within 5.48 of the justification text to Flood Risk Policy SCC4. ... request that Canal and River Trust are listed within the bodies to be consulted on site-specific requirements within sub-section 16 of SCC4 ... The supporting justification text references the primary sources of fluvial flood risk within Sandwell which need to be addressed and considered. This includes the River Stour which crosses into Dudley borough. Dudley MBC supports these references. 	<ul style="list-style-type: none"> will be reviewing the SFRA Note request for CRT to be added in to list of consultees in policies SCC4 and SCC5. Noted and support welcomed 	<p>No change to policy</p> <p>Amend policy to refer to taking canals into account when flooding is considered that might affect them.</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> It would be useful to incorporate a clause on the historic environment within this policy and the specific considerations for the historic environment. should be clear on what basis the proposed distance limitations on development that is proximate to an ordinary watercourse are derived. It should also include 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. 	<ul style="list-style-type: none"> Comment noted. 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. 	<p>Add additional sentence to justification requiring schemes to take account of the historic environment.</p> <p>Amend policy to introduce flexibility through reference to EA / LLFA</p>
Policy SCC5 - Sustainable drainage and surface water management	<ul style="list-style-type: none"> The proposed policy SCC5 requirement that all new development incorporate SuDS is inconsistent with the Framework and should be amended to meet the test of soundness. ... Paragraph 167(c) of the Framework (2023) states the requirement for development proposed in an area at risk of flooding incorporate sustainable drainage systems is also subject to a caveat '...unless there is clear evidence that this would be inappropriate'. This should be reflected in the draft development plan policy. 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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
	<ul style="list-style-type: none"> list of bodies to be consulted should be included within the policy text for Policy SCC5 - Sustainable drainage and surface water management, and that Canal and River Trust be listed within them given the risk of polluting ground and surface water to our network, and other watercourse, from the 'legacy of contaminated land created by heavy industry and extractive activities in Sandwell' identified 	<ul style="list-style-type: none"> Note request for CRT to be added in to list of consultees in policies SCC4 and SCC5. 	<p>Amend policy to refer to taking canals into account when flooding is considered that might affect them.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<ul style="list-style-type: none"> It would be useful to incorporate a clause on the historic environment within this policy and the specific considerations for the historic environment. 	<ul style="list-style-type: none"> Comment noted. 	<p>Add additional sentence to justification requiring schemes to take account of the historic environment.</p>
<p>Policy SCC6 – Renewable and Low Carbon Energy and BREEAM Standards</p>	<ul style="list-style-type: none"> major developments creating ten or more homes must incorporate the generation of energy from renewable or low carbon sources sufficient to offset at least 20% of the estimated residual energy demand of the development on completion. We object to this requirement because it is not evidenced. ... The emerging plan is not currently supported by documentation which assesses the viability of the proposal in conjunction with the other proposed Policy requirements. The supporting text to draft policy SSC6 (paragraph 5.59) discusses the requirement that major developments achieve a 31% carbon reduction improvement upon the Part L requirement of The Building Regulations 2010 (as amended). The supporting text (paragraph 5.62) also includes the caveat, in respect of all new development contributing towards renewable and low carbon energy generation, that it is not 	<ul style="list-style-type: none"> A viability report is being undertaken and will be used at assess the policies prior to submission. S.1(1) of the Planning and Energy Act 2008 (as amended by the Levelling-up and Regeneration Act 2023) states that: <ul style="list-style-type: none"> A local planning authority in England may in their local plan and any supplementary plan...include policies imposing reasonable requirements for— <ul style="list-style-type: none"> (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development; (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development; (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations The 31% refers to the carbon emissions improvement compared to 2010 building regs. 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. 	<p>No change to policy</p> <p>No change to policy</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	Councils' Response	Proposed Change - Reg 19 policies
	<p>practical to provide more than 20% renewable energy generation within a new development.</p> <ul style="list-style-type: none"> EA - We support the BREEAM standards for non-residential developments of 1,000 sqm gross or more to achieve BREEAM Very Good or Excellent including full credits for category Wat 01 (water efficiency). We would recommend re-phrasing to state protects the significance of the historic environment, heritage assets including their setting or similar wording. concerned about any policies which mandate on-site renewable energy generation. ... important that this is not seen as a requirement and is instead implemented on a flexible basis... may be potential for renewable energy generation on-site, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised. 	<ul style="list-style-type: none"> Support noted and welcomed Noted. The policy already refers to the need to maintain and safeguard the historic environment; not clear how changing this to "protect" would strengthen the policy further. Amend to include reference to HE policies Noted. The policy is intended to be flexible and includes at part 6 a recognition that in some cases development viability / feasibility may require a different approach. 	<p>No change to policy</p> <p>No change to policy</p> <p>No change to policy</p>
<p>Policy SCO2 - Pollution Control</p>	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Comment noted. It is not clear how or where Policy SCO3 could be amended to refer to the canal policy directly. 	<p>Reference to potential receptors of light pollution impact including the canal network will be added.</p>

Environment Topic Paper Appendix 2

Heading / chapter / Policy No.	Key Issues Raised by the Representations	• Councils' Response	Proposed Change - Reg 19 policies
	<p>after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability</p> <ul style="list-style-type: none"> • supports the reference to the agent of change principle in part 6 of the policy 	<ul style="list-style-type: none"> • note and welcome support 	<p>No change to policy</p>