

From: [REDACTED]

Email: sandwell_localplan@sandwell.gov.uk

Date: 13th March 2025

Ms Keira Murphy
Planning Specialist,
Sustainable Places
Environment Agency
West Midlands Area

By email: [REDACTED]

Dear Ms Murphy,

Sandwell Local Plan – Council’s Response to Comments made by the Environment Agency – 20th February 2025

Thank you for sending through your comments on the Sandwell Local Plan Sequential Test Update January 2025, the Level 2 Strategic Flood Risk Assessment and the additional site allocation at Rowley Regis Golf Course.

The Council is pleased that the evidence base addresses the Environment Agency’s (EA) concerns with regard to soundness. The Council has also noted the issues raised regarding the minor errors and issues of less-moderate significance. Therefore, in conjunction with JBA Consulting (the Council’s Flood Risk consultants), the Council is proposing amendments to the following pieces of evidence:

- Sandwell Local Plan Site Assessment Report, Appendix E: Flood Risk Sequential Test – list of sites
- Level 2 Strategic Flood Risk Assessment

The proposed amendments are set out in a table attached to this letter as an appendix.

If you are happy with the proposed amendments, the Council is of the view that a formal letter from the EA, confirming the proposed amendments and removing any objections of soundness would suffice, rather than a statement of common ground.

We are happy to answer any further queries you may have with regard to the proposed amendments. However, if this approach is acceptable to the EA, the Council would appreciate a letter from you by the 20th March 2025 so that we can respond to the Inspector appointed to undertake the examination of the Sandwell Local Plan.

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Yours sincerely,



Project Manager – Sandwell Local Plan

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Sandwell Local Plan Site Assessment Report Appendix E: Flood Risk Sequential Test

Sandwell Council's Response to the EA Review (in conjunction with JBA Consulting)

Request	Response
Table 1 - Column: Sequential Test Passed Rather than annotating each site allocation in table 1, clarify and confirm that for those sites with fluvial and surface water flood risk, it is not possible to accommodate to other lower risk sites as all of the sites have already been identified or are not available.	The Council has included additional paragraphs on page 1 of appendix E to address this issue.
Sequential Test Table 1. Sites: SH2 – Land adjacent to Asda Wolverhampton SH5 – Mill Street, Great Bridge SH16 - Cradley Heath Factory Centre, Woods Lane, Cradley SH18 - Friar Park SH28 - Friar Street, Wednesbury SH35 - Rattlechain Site Land to the north of Temple Way SH36 - Land between Addington Way and River Tame, Temple SH41 - North Smethwick, Canalside SH59 - Beaver Road SM2 - Lion Farm SEC1-7 - Legacy 43, Ryder Street SEC1-8 - Roway Lane, Oldbury	The Council recognises the EA's view that the sequential test at the local plan level is more about the comparison between reasonably available site allocations and has amended table 1 with the wording given as an example by the EA for the sites identified in the review.
Table 1: Exceptions Test Column Sites will require an exception test even if a small proportion of the site is in FZ3. The Exception Test would also be applicable at the planning application stage if not all development is located in FZ1.	Amended the Exception Test column in Table 1. Exception Test will be applicable at the planning application stage if the applicant chooses not to steer all built development to areas of flood zone 1
SH5 – Mill Street, Great Bridge	The proportion of the site in the flood zone 3a plus 30% climate change has been acknowledged in the site entry in table 1
SH28 – Friar Street, Wednesbury	The entry for this site in Table 1 acknowledges that flood zone 3a plus 30% climate change surrounds the site.

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SH36 – Land between Addington Way and River Tame	The entry for this site in Table 1 acknowledges flood zones 3a plus 30% climate change and 3b.
SH59 – Beever Road	Comment noted
SEC1-8 - Roway Lane, Oldbury – discrepancy between information provided for the Exception Test (page 35) and Sequential Test (page 31).	These errors have now been corrected. Exception Test is now on page 31 and the Sequential Test is now on page 27
Errors in site reference numbers for employment allocations, for example, Land off Bilport Lane, Wednesbury	The errors have now been corrected.
Level 2 Strategic Flood Risk Assessment	
The EA accept the Council’s reasoning for the sites selected for the Level 2 SFRA but have questioned why other sites have not been assessed considering their levels of risk. The EA seek clarification on whether the JBA threshold has been used.	Sites were taken forward using the threshold as referred to in the email from the EA. Following EA guidance on climate change allowances, only the central allowance was considered which is why additional sites were not identified as needing further analysis. A new section has been added to the SFRA (4.2.3) which details the sensitivity of the sites listed to climate change uplifts (particularly the difference between the Central and Higher Central uplifts). The report now also references back to these within the recommendations, stating that further analysis would be required during site-specific FRA to confirm flood extents and understand the sensitivity of the sites.
The SFRA refers to ‘both’ sites when 3 sites have been put forward for the level 2 SFRA assessment and Exceptions Test.	The text has been amended throughout.
4.10 Cumulative Impacts	
Request to include cumulative impacts as set out in SFRA Level 1 within the Level 2 assessment so that level 2 assessments take account of the wider measures that could be implemented such as making space for water, contributions to wider community flood risk schemes, natural flood risk management, etc.	Reference to the Level 1 SFRA has now been made within the Level 2 assessment report, directing readers to look back to the Level 1 for full details of the recommendations for wider flood management measures.
5.1 Summary of key Messages	
Amendment - from “two” to “three” tables	Text has been amended
5.2 Recommendations	
The EA recommend JBA review Dudley’s L2 SFRA for additional recommendations.	Additional recommendations have been added to section 5.2,

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	particularly where these were more specific in relation to sites or wider considerations.
Amendment – from “both” sites to “three” sites.	Text has been amended.
The EA is not keen on the wording: “Using areas in Flood Zone 2 for the least vulnerable parts of the development in accordance with Table 2 in the PPG”. The EA recommend the wording is struck or replaced.	Noted. The text has been amended to “Using areas in Flood Zone 2 for the least vulnerable parts of the development where development cannot be wholly placed within Flood Zone 1”
The EA doesn’t recommend land raising where this can be avoided as this can increase risk to third parties. The EA would expect direct compensation in the form of level for level, volume for volume floodplain compensation.	Noted. The text has been deleted.
Rowley Regis	
EA are of the view that the rating should be amended from Green to Amber as the site lies on a secondary A and B groundwater aquifer and due to the presence of ground contamination, could be a potential environmental risk to groundwater, surface water and human health.	The Council are in agreement with the EA and have changed the site assessment rating for this site from green to amber.
SH18 – Friar Park, Wednesbury	This site has been rated Amber as part of the site assessment.

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