

MADDOX PLANNING
SANDWELL LOCAL
PLAN DRAFT
REGULATION 18

BRADES ROAD, OLDBURY
DECEMBER 2023

Local authority

Sandwell

Plan

Sandwell Local Plan

Stage of plan preparation

Regulation 18

Summary statement

The draft Sandwell Local Plan 2022-2041 supersedes the abandoned combined Black Country Plan 2023. Local planning authorities; Dudley, Sandwell, Walsall and City of Wolverhampton had been working together on a joint plan for the area. As of 19 October 2022, the four authorities came to the agreement to halt the continuation of this plan.

Local Plans for the four Black Country Councils will now provide the framework for the long-term planning for the Black Country. The issues of housing and employment land are now being address through the individual Local Plans of each authority.

The Sandwell Local Plan 2022-2041 will identify where new employment and housing development will be located and where investment for new infrastructure, such as transport, schools and green space will be made. The Plan will cover the period to 2041.

The regulation 18 consultation runs until Monday 18 December 2023.

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1. Call for sites submission of March 2023

1.0 Introduction

- 1.1 Maddox Planning has prepared these representations for Vulcan Property II Limited (Vulcan), in respect of the Sandwell Local Plan 2022-2041 upon which consultation is running until 18 December 2023.
- 1.2 These representations address the policies and supporting text of the draft Sandwell Local Plan (Regulation 18 stage). The representations are submitted in context with Vulcan land interests at Brades Road, Oldbury. The Vulcan site is included within the Sandwell Local Plan as a proposed residential development allocation (site ref: SH38) following it being put forward as part of an earlier call for sites.
- 1.3 The call for sites submission of March 2023 is attached at **Appendix 1**.
- 1.4 Paragraph 15 of The Framework (2023), states that the planning system should be genuine plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings
- 1.5 It is a statutory requirement that a body preparing a development plan publishes its draft development plan document for consultation ahead of submitting that document for independent examination; an examination to assess whether it is sound and legally compliant, alongside whether other statutory requirements are satisfied¹. In preparing a development plan document, the body preparing that document must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State².
- 1.6 Paragraph 16 of the Framework (2023), sets out that a plan should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development³;*
 - b) be prepared positively, in a way that is aspirational but deliverable;*
 - c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*
- 1.7 Paragraph 11 of the Framework (2023) sets out the Government presumption in favour of sustainable development. It states that 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 areas⁴, 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 area⁵; or*

¹ Section 20(5) of the Planning and Compulsory Purchase Act 2004

² Section 19(2) of the Planning and Compulsory Purchase Act 2004

³ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004)

⁴ As established through statements of common ground (National Planning Policy Framework September 2023, paragraph 27)

⁵ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change

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.

2.0 Plan: Sandwell 2041: Spatial Vision, Priorities and Objectives

- 2.1 Table 3 of the Sandwell Local Plan sets out priorities, strategic objectives and policies across 16 objectives. Strategic priorities should acknowledge that a function of a development plan is to identify the most appropriate land uses for particular locations and allocate sites accordingly, on the basis of assessed need for new homes and commercial floorspace. The identification of sites proposed for development should have regard to the vision and objectives of a plan, in this instance the strategic priorities and objectives of the draft Sandwell Local Plan, taking account of national policy and guidance and other material considerations and the need to minimise the impact of climate change whilst adapting to its effects and mitigating its current and potential future impacts.
- 2.2 Objective 6 as part of the *Housing that meets all our needs* priority, seeks to address Sandwell's identified and wide-ranging housing need by supporting the provision of high-quality new homes with a wide mix of housing types and tenure that: meet the needs of current and future residents; provide sufficient internal and external space; and support climate change adaption through good design. Objective 6 needs to be explicit that for the achievement of this objective clear housing requirements needs to be articulated, to set a baseline for the housing need that it is planned to be met over the plan period.
- 2.3 The local authority should have a clear understanding of the land available within their area through the preparation of a strategic housing land availability assessment. Planning policies should then identify a sufficient supply and mix of sites, considering their availability, suitability, and likely economic viability. Objective 6 should explicitly commit to meeting this obligation of identifying sufficient land for homes.
- 2.4 Objective 7 of the *Housing that meets all our needs* priority, is to ensure that communities in Sandwell are safe and resilient. This objective is supported.

3.0 Plan: Spatial Strategy

Policy SDS1: Development Strategy

- 3.1 Policy SDS1 of the Draft *Sandwell Local Plan* states that at least 11,167 net new homes are to be delivered over the plan period, creating sustainable mixed communities that are supported by adequate infrastructure over the plan period from 2022-2041. The stated annual requirement for Sandwell is 1,567 based on the standard methodology (2022 workplace-based ratio), as detailed in the Sandwell Strategic Housing Land Availability Assessment (SHLAA) published in October 2023. Over the 19-year plan period this projects a total housing requirement of 29,773. The Sandwell Local Plan therefore reflects a deficit level of provision of 18,606 homes over the plan period. Policy SDS1 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.

Policy SDS2: Regeneration in Sandwell

- 3.2 Regeneration Areas as set out within policy SDS2 are the stated focus for new development, regeneration and public and the encouragement of private investment. Subsection 3(e) states that at least 2,581 new homes of mixed type and tenure are to be delivered in the regeneration areas; in sustainable locations well-supported by community services. Sandwell currently has a significant shortfall in housing delivery against Government requirements. It is highly likely that a component of any solution addressing the current housing shortfall will be higher density residential development on brownfield land included within in the identified Regeneration Areas.

Policy SDS4: Achieving Well-Designed Places

- 3.3 The Sandwell Local Plan discusses that well-designed places should accord with the latest National Planning Guidance and other material considerations. Point 9 of the policy states that a design code will be produced for Sandwell which shall reflect local character and design preferences, providing a framework for creating high-quality places. This approach is supported and in accordance with National Design Guide and National Model Design Code, provided that it incorporates the requisite flexibility necessary to address local market conditions and the impact that these have on development values.

4.0 Plan: Sandwell's Natural and Historic Environment

Policy SNE2: Protection of Enhancement of Wildlife Habitats

- 4.1 Paragraph 8 (c) of the Framework refers to improving biodiversity and paragraph 174 (d) to providing net gains for biodiversity. Draft policy SNE2(1) states that

'All development proposals in Sandwell shall deliver a minimum 10% net gain in biodiversity value when measured against baseline site information. Where achievable, a higher net gain may be agreed. Losses and gains will be calculated using the extant national Biodiversity Metric...'

- 4.2 Vulcan agrees with policy SNE2 and reflecting the forthcoming mandatory requirement for a minimum 10% biodiversity net gain across all major development.

Policy SNE1: Provision, Retention and Protection of Trees

- 4.3 Policy SNE1 (11) includes a blanket statement that

'Development should be designed around the need to incorporate trees already present on site, using sensitive and well-designed site layouts to maximise their retention'

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).

- 4.4 The policy also sets out at SNE1 (9) 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.'

It is noted that this is based upon the *Emergency Tree Plan for the UK – The Woodland Trust 2020* but there is no basis in the Framework (2023) or Planning Practice Guidance for the introduction of blanket thresholds for canopy cover.

The same observation is made in respect of SNE1 (18) and its requirement that

'...removal of trees, suitable replacement trees must be provided onsite. Where sufficient suitable onsite replacements cannot be provided, off-site planting or woodland enhancement, including support for natural regeneration, in the near vicinity of the removed tree(s) must be provided, in line with the mitigation hierarchy set out in Policy SNE2.'

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.

Policy SNE6: Canals

- 4.5 Policy SNE7 is positively written, and Vulcan supports the reference to the canal network being a focus for future development through its ability to deliver a high-quality environment and enhanced accessibility for pedestrians, cyclists, and other non-car-based modes of transport.

- 4.6 Policy SNE6(d) refers to development proposals
'...promoting high quality design, including active frontages onto the canal and improving the public realm...'

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.

5.0 Plan: Climate Change

Policy SCC1: Increasing efficiency and resilience

- 5.1 The Framework sets out clear guidance on planning for climate change:

‘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 temperature’⁶.

- 5.2 It continues that development plan 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. New development should be planned for in a way that avoids increased vulnerability, manages risks and makes best use of location, orientation and design. There is support for the use and supply of low carbon energy, including community-led initiatives.
- 5.3 Paragraph 157 of the Framework sets out that local planning authorities should expect new development to comply with any development plan policy on decentralised energy supplies, and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption
- 5.4 Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- 5.5 To provide clarity for applicants, draft policy CC1 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.
- 5.6 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.

Policy SCC2: Energy Infrastructure

- 5.6 Draft policy SCC2 sets out that:

‘Any development including ten homes or more, or non-residential floorspace of 1,000m² or more must include opportunities for decentralised energy provision within the site, unless it can be demonstrated that the development is not suitable, feasible or viable for district heat or decentralised energy networks.’

- 5.7 Paragraph 16 of the Framework (2023) is clear that development plans should contain policies that are clearly written and unambiguous. Draft policy SCC2 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. Draft policy SCC2 needs to provide clear direction in this regard. It is also without justification why the threshold for compliance is ten units/1,000 sq. m and why there are no further thresholds at greater unit numbers/floorspace, which would allow for proportionate consideration of proposals relative to scale. 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.

⁶ National Planning Policy Framework, September 2023 – paragraph 153

Policy SSC3: Managing Heat Risk

- 5.8 Draft policy SCC2 (Energy Infrastructure) sets minimum thresholds for development proposals to which the policy applies. Policy SSC3 is drafted such that it applies to all development proposals without distinction. 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.
- 5.9 Paragraph 16 of the Framework (2023) is clear that development plans should contain policies that are clearly written and unambiguous. 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. 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 managing in the most effective way heat risk from new development.

Policy SCC4: Flood Risk

- 5.10 Draft policy SCC4 (13) 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.

Policy SCC5: Sustainable drainage and surface water management (SuDs)

- 5.11 Paragraph 169 of the Framework states that:

‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate’. The draft text to Policy SCC5 states that *‘All new developments should incorporate SuDS and all development proposals should provide details of adoption, ongoing maintenance, and management of SuDS’.*

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.

Policy SCC6: Renewable and Low Carbon Energy and BREEAM Standards

- 5.12 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).
- 5.13 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 practical to provide more than 20% renewable energy generation within a new development.

6.0 Plan: Health and Wellbeing in Sandwell

Policy SHW3: Air Quality

- 6.1 Paragraph 186 of the Framework (2023) sets out that planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking in account the presence of Air Quality Management Areas and Clear Air Zones, and the cumulative impacts from individual sites in local areas. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Paragraph 188 of the Framework (2023) is clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes).
- 6.2 Policy SHW3 includes a blanket statement that new development must be at least air quality neutral. This element of the draft policy does not reflect the Framework or the Planning Practice Guidance, in its blanket approach. The PPG sets out that plans may need to consider:
- what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;
 - the impact of point sources of air pollution (pollution that originates from one place);
 - the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;
 - ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and
 - opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement⁷.
- 6.3 The PPG continues to explain that the test is the impact of proposed development and potential impact on future occupants:
- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and whether occupiers or users of the development could experience poor living conditions or health due to poor air quality⁸.
- 6.4 A requirement for development being air quality neutral is justified where there are sensitive receptors such that anything other than air quality neutral would be unacceptable or a proposed development would otherwise lead to a deterioration in existing poor air quality. For the policy to pass the test of soundness it should add criteria into its air quality neutral requirement, to set out on what basis such an expectation is justified and how an applicant might demonstrate the acceptability of a development in circumstances where such a requirement is justified.

Policy SHW4: Open Space and Recreation

- 6.5 Policy SHW4 states that:

⁷ Paragraph: 002 Reference ID: 32-002-20191101- Revision date: 01 11 2019

⁸ Paragraph: 005 Reference ID: 32-005-20191101 - Revision date: 01 11 2019

'All new housing sites providing over ten units will be expected to contribute towards the provision of unrestricted open space, in line with the standards set out in Appendix K. Where such provision on-site would make a site unviable or where there is no physical capacity to include it, the Council will in exceptional circumstances accept a commuted sum for nearby off-site provision in lieu or for the improvement of existing facilities within walking distance.'

- 6.6 The policy is rightly targeted at major development proposals but fails to acknowledge that the expectation of contribution to unrestricted open space should be based upon whether there is a demonstrable shortfall locally of unrestricted open space.

7.0 Plan: Sandwell's Housing

Policy SHO1: Delivering Sustainable Housing Growth

- 7.1 Policy SHO1 discussed that the Sandwell Local Plan will deliver at least 11,167 net new homes over the period 2022-2041.
- 7.2 Table 5 discusses the Housing Land Supply for the borough setting out the minimum housing target of the plan period and the key sources of housing land supply. The total from identified sites is 9,080, with the remainder a windfall allowance.
- 7.3 Policy SHO1 should be clear on how the quoted requirement of net additional homes is arrived at.

Policy SHO3: Housing Density, Type and Accessibility

- 7.3 Point 4 of policy SHO3 details the appropriate density and where appropriate house type mix, to be sought on each housing allocation site in accordance with minimum densities set out within table 6.
- 7.4 Policy SHO3 then goes on to discuss that achieving an appropriate density of house type mix is crucial to both the success of each new housing development and the sustainability of the area. This is also in accordance with the Sandwell spatial strategy and national planning guidance which states that housing mix and tenure will reflect local needs.
- 7.5 Table 7 of policy SHO3 states the New Housing Type and Tenure in Sandwell. Point 7.22 states that

“The Black Country Housing Market Assessment (HMA) 2021 demonstrates that new households generated by 2039 will need the following mix of home tenures and types.”

It continues that it is important for housing provision to reflect the varying needs for each of the four local authorities, as set out in the HMA.

The supporting text to policy SHO3 should be explicit that the table which follows paragraph 7.22 is not setting an expected mix of home tenures and types for all development sites, rather it is presenting the assessed overall requirement for the Sandwell area.

Policy SHO3 should be consistent with policy SHO4 and policy SHO5 and be explicit that the dwelling mix and any mix of tenures will be site specific and subject to a consideration of local needs at the time of a proposed development coming forward.

Policy SHO4: Affordable Housing

- 7.6 Supported is the acknowledgement in SHO4(1) and SHO4(4) that the range of tenure to be provided, and the proportion of any affordable housing should both be dependent upon any affordable housing should both be dependent upon an assessment of financial viability. SHO4 (4) effectively summarises a justifiable position that

‘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.’

However, the reference to a ‘minimum proportion of affordable housing’ to be provided is inconsistent with the earlier stance on viability and potentially ambiguous, given that there will be some sites where no affordable housing is financially viable.

Paragraph 16 of the Framework sets out that development plan policy should be ‘...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.’

The inconsistency between dependence upon financial viability and a minimum requirement falls short of being unambiguous. This element potentially fails the test of soundness and is inconsistent with the Framework (2023).

Policy SHO5: Delivering Wheelchair Accessible and Self / Custom Build Housing

- 7.7 A policy requirement for a minimum proportion of new housing be designed to meet M4(2)/M4(3) standards is unclear and ambiguous in the context of provision also being said to be dependent upon whether this is financially viable. This element fails the test of soundness and is therefore inconsistent with the Framework. Categories M4(2) and M4(3) are optional requirements which local planning authorities can apply through local planning policies where there is an identified local need, and the viability of development is not compromised. M4(2) and M4(3) are optional requirements, as defined in building regulations. An optional requirement only applies where a condition that one or more dwellings should meet the relevant optional requirement is imposed on new development as per the process of granting planning permission. That requirement is rightly policy led, but the policy should be clear that any requirement is dependent upon a demonstrable need and a demonstration that development viability would not be adversely impacted upon.
- 7.8 Clarity would be provided through reference to NDSS. Paragraph 130(f) of the Framework (2023) refers to creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In doing so, it references NDSS⁹ stating that:
- ‘Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified’*
- 7.9 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
- 7.10 Policy SHO5 (4) sets out that where there is a need for self-build and custom build plots identified in the self-build and custom build register (for the administrative area where a development site is located) at least 5% of plots should be made available for self-build or custom build, or sufficient to match the current number on the register if lower.
- 7.11 Policy SHO5 (4) does not acknowledge that site characteristics might justify self-build/custom build exemption, irrespective of whether there is a current register need. The potential exemption on viability or other grounds of sites from self-build/custom build requirements should be set out clearly in policy SHO5 (4).

⁹ National Planning Policy Framework, September 2023 – footnote 49

8.0 Plan: Sandwell's Economy

Policy SEC1: Providing for Economic Growth and Jobs

- 8.1 Policy SEC1 (4) is concerned with the regeneration of existing employment areas:

'Within the existing employment areas subject to Policies SEC2, SEC3 and SEC4, the Council will support, with public intervention as necessary, the regeneration and renewal of such areas, including their environmental enhancement and incorporation of sustainable measures to mitigate climate change impacts. Industrial developments will need to demonstrate how they have been designed to maximise resistance and resilience to climate change, as set out in Policy SCC1.'

- 8.2 SEC1 should acknowledge that the housing policies of the Sandwell Local Plan include existing/former employment sites/areas that are allocated for and transitioning to residential use. Some of the existing/former employment sites/areas being brought forward for housing will be alongside other employment areas being retained in employment use. SEC1 should set out that any proposals for the regeneration or renewal of existing employment areas will be considered in context of the potential impact on neighbouring land uses, both existing and proposed.

Policy SEC3: Local Employment Areas

- 8.3 Supported is the inclusion of the clarification at SEC3 (3) that not all areas will be suitable for all employment uses. SEC3 should include specific reference to the fact that the housing policies of the Sandwell Local Plan include existing/former employment sites/areas being brought forward for housing will be alongside other employment areas being retained in employment use. SEC3 should set out that any proposals for new uses in local employment areas that require planning permission will be considered in context of the potential impact on neighbouring land uses, both existing and proposed.

9.0 Plan: Transport

Policy STR8: Parking Management

- 9.1 STR8 (1c) references maximum standards and ‘...ensuring that a consistent approach to maximum parking standards is enforced in new developments as set out in the guidance and standards contained at Appendix L...’ The policy should also reference the Framework (2023) and its support for walking and cycling as set out within paragraph 106(d) where it is clear that planning policies should:

‘...provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)...’

- 9.2 Paragraph 110(c) of the Framework (2023) continues it should be ensured that ‘...the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code’¹⁰.

- 9.3 Whilst Policy STR8 refers to ‘...ensuring that a consistent approach to maximum parking standards is enforced in new development as set out in supplementary planning documents’, paragraph 108 of the Framework (2023) states that:

‘Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport...’

Policy STR9: Planning for Low Emission Vehicles

- 9.4 During 2019, the Department for Transport and Office for Zero Emission Vehicles (OZEV) ran a joint consultation on proposals to alter existing residential and non-residential building regulations to include provisions for electric vehicle charging points and associated infrastructure. Government outlined that:

- for proposed new residential buildings with more than 10 associated parking spaces, developers will need to ensure that ducting infrastructure is installed for every parking space;
- for proposed non-residential buildings (and buildings undergoing a major renovation or a material change in use) with more than 10 parking spaces, developers will need to ensure that at least one charge point is installed and ensure that ducting infrastructure is installed for at least 1 in 5 parking spaces; and from 2025, existing non-residential buildings with more than 20 parking spaces will need at least 1 charge point to be installed.

- 9.5 Policy STR9 states that the UK government has committed to banning the sale of petrol and diesel cars by 2030. The Prime Minister had pushed this back to 2035. Despite this, the resultant societal shift from petrol and diesel internal combustion engine (ICE) vehicles to ULEVs will require widespread support from local authorities. It is projected that there will be an addition 42,500 ULEVs within the Black Country by 2025 and a significant proportion of these will be on Sandwell roads.
- 9.6 Vulcan is supportive of encouraging a move away from fossil fuel vehicles through the introduction of all-electric and hybrid alternatives, as part of the West Midlands Combined Authority commitment to setting a ‘net zero’ emissions target by 2041, with a climate action plan being approved by the WMCA board in January 2020. This is in part facilitated through amendments to the Building Regulations 2010, and it is suggested that there is no explicit need for policy STR9 given that this is part of the national agenda on sustainability.
- 9.7 Policy TRAN 8 is also ambiguous in that it refers to new developments including adequate provision for charging infrastructure, without defining what adequate infrastructure means. Paragraph 16 of the Framework (2023) sets out that development plan policy should be ‘...clearly written and unambiguous, so it

¹⁰ National Planning Policy Framework, September 2023 – paragraph 110(c) and footnote 46

is evident how a decision maker should react to development proposals'. The reference to adequate provision is without clarity. This element fails the test of soundness and is therefore inconsistent with the Framework (2023).

10.0 Plan: Waste

Policy SWA5: Resource Management and New Development

- 10.1 The requirements of policy SWA5 in respect of minimising waste in new development, re-use of materials following redevelopment and/or remediation and use of alternatives to primary aggregates in construction are couched in terms of as far as possible and wherever possible. Paragraph 16 of the Framework (2023) is clear that development plans should contain policies that are clearly written and unambiguous. Draft policy SWA5 should be redrafted with clear targets and the requirements of applicants providing justification for the approaches to waste management and the use construction materials in any given development project.

11.0 Plan: Development Management

Policy SDM1: Design Quality

- 11.1 The approach of the Sandwell Local Plan to design quality should accord with the Framework (2023) guidance (paragraphs 126 to 136). Policy should be clear about design expectations and how proposals will be tested against policy, having regard to national guidance and other material considerations. The references to the National Design Guide¹¹, Manual for Streets¹², NDSS¹³, Building for a Healthy Life¹⁴ and accordance with agent of change principles¹⁵ are noted but Sandwell should prepare design guides and/or design codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. If these are to follow as supplementary planning documents, given the reference to local housing design SPDs for new housing developments, then the draft development plan policy should be explicit in this regard.
- 11.2 Policy SDM1 should provide clarity over what development proposals should address within design and access statements, within the Sandwell-specific context:
- a. *‘the ten characteristics of the National Design Guide, to provide a high-quality network of streets, buildings and spaces;*
 - b. *the principles of Manual for Streets, to ensure urban streets and spaces provide a high-quality public realm and an attractive, safe and permeable movement network;*
 - c. *use of the Building for a Healthy Life criteria (or subsequent iterations) and Sandwell’s local housing design codes, masterplans and guidance for new housing developments, to achieve high design standards, good place-making and sustainable development;*
 - d. *crime prevention measures, Secured by Design and Park Mark principles and the requirements of Part Q of the Building Regulations 2010 or any successor legislation;*
 - e. *the agent of change principle, in relation to existing uses adjacent to proposed development sites.’*

¹¹ MHCLG National Design Guide – published 1 October 2019/last updated 30 January 2021

¹² CIHT Manual for Streets (2007) and Manual for Streets 2 (2010)

¹³ MHCLG Technical housing standards – nationally described space standard published 27 March 2015

¹⁴ Birkbeck D and Kruczkowski S et al (2020) Building for a Healthy Life

¹⁵ National Planning Policy Framework, September 2023 – paragraph 187

12.0 Plan: Sandwell Site Allocations

- 12.1 The inclusion of Brades Road, Oldbury as a proposed site allocation (site reference: SH38) is fully supported by Vulcan for the reasons set out in the March 2023 call for sites submission attached at **Appendix 1**. The 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.
- 12.2 Vulcan also fully supports the inclusion of adjoining land on Dudley Road East (site reference: SH21) for the same reasons.
- 12.3 The estimates shortfall of 18,606 homes over the period to be covered by the Sandwell Local Plan indicates very strongly that Sandwell will have to look to high density solution within the plan area. There is potential for Brades Road to come forward earlier in the plan period than 2033 and there is justification for it being identified for delivery earlier in the housing trajectory. 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' suggests very strongly that sites that are suitable and available should be identified as coming forward earlier in the housing trajectory, where there is potential for this to happen. 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 will justifiably prioritise meeting their own housing requirements. This suggests that there is good reason to front-load the proportion of new homes delivered within the Sandwell area, where there is evidence that sites are available and deliverable.
- 12.4 Brades Road is potentially available in the shorter-term, and earlier delivery than 2033 is possible.

13.0 Conclusions

- 13.1 Vulcan reserves the right to change, add to or withdraw representations made on the draft Sandwell Local Plan 2023-2041 and at this stage intends to take part in the future examination of the Plan.
- 13.2 Vulcan is fully supportive of the inclusion of the Brades Road site within the allocated sites as a residential allocation.
- 13.3 The key benefits that weigh heavily in favour of the proposed allocation are:
- Delivery of homes on a sustainable site, helping to meet local housing need in the context of persistent past under delivery, a lack of a demonstrable five-year supply of deliverable housing sites and a generally bleak housing land supply position locally;
 - Brownfield regeneration of a life-expired employment site;
 - The potential for a masterplan-led design alongside other housing regeneration sites;
 - Significant public benefits through significant canal environment improvements; and
 - Other wider community benefits.

Appendix 1

MADDOX PLANNING

LONDON & MANCHESTER
0345 121 1706

Forward Planning Team
Sandwell Metropolitan Borough Council

20/03/2023

Sandwell Local Plan – call for sites Brades Road, Oldbury

Dear Forward Planning Team

On behalf of our client Vulcan Property II Limited, please find duly submitted a response to the Sandwell Local Plan call for sites.

Submitted are:

- Completed electronic call for sites form;
- Site location plan illustrating the proposed housing allocation site and other adjoining land with residential redevelopment potential; and
- Attached to this letter, the case put forward in August 2020 responding to the BCP call for sites.

A separate submission is made responding to the Issues and Options questions.

Yours faithfully



Stephen Morgan-Hyland
Managing Director

t: [REDACTED]
m: [REDACTED]
e: [REDACTED]

MADDOX PLANNING

**SANDWELL COUNCIL LOCAL PLAN
ISSUES AND OPTIONS
CONSULTATION**

**REPRESENTATIONS FOR
VULCAN PROPERTY II LIMITED**

LONDON & MANCHESTER

0345 121 1706

MADDOX PLANNING
LONDON & MANCHESTER
0345 121 1706

SANDWELL COUNCIL LOCAL PLAN
ISSUES AND OPTIONS CONSULTATION
REPRESENTATIONS FOR VULCAN PROPERTY II LIMITED

BRADES ROAD, OLDBURY
MARCH 2023

Local authorities

Sandwell Council

Plan

Sandwell Local Plan

Stage of plan preparation

Issues and Options

Below is a list of the relevant question and topics answered.

Question	Topic
1	Questions – Vision and Objectives
2	Questions – Strategic Policies
7	Questions – Future Development in Sandwell
8	Questions – Housing Windfall Sites
9	Questions – Sustainable Locations
13	Questions – Self- and Custom-Build Housing
14	Questions – Specific Housing Requirements
28	Questions – Employment Land Need
30	Question – Regeneration
31	Question – Demand for Employment Sites
33	Questions – Alternative Uses in Industrial Areas

Contents of this statement

1. Introduction
2. Questions 1: Vision and Objectives
3. Questions 2: Strategic Policies
4. Questions 7: Future Development in Sandwell
5. Questions 8: Housing Windfall Sites
6. Questions 9: Sustainable Locations
7. Questions 13: Self- and Custom-Build Housing
8. Questions 14: Specific Housing Requirements
9. Questions 28: Employment Land Need
10. Questions 30: Regeneration
11. Questions 31: Demand for Employment Sites
12. Questions 33: Alternative Uses in Industrial Areas
13. Conclusions

1.0 Introduction

- 1.1 On behalf of our client Vulcan Property II Limited (Vulcan), Maddox Planning has prepared representations in respect of the Issues and Options stage consultation of the emerging local plan made available for public comment until 20 March 2023. A response is given to a number of questions posed in respect of the Issues and Options stage consultation. A response to the call for sites submission is made under separate document.
- 1.2 The National Planning Policy Framework (July 2021) – the Framework – sets out the Government planning policies for England and how these should be applied. Paragraph 15 states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide: a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
- 1.3 Paragraph 16 of the Framework sets out that a plan should:
- a) be prepared with the objective of contributing to the achievement of sustainable development¹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 1.4 Paragraph 11 of the Framework sets out the Government presumption in favour of sustainable development. It states that 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) 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 areas², 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 area³; or

¹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004)

² As established through statements of common ground (National Planning Policy Framework July 2021, paragraph 27)

³ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change

- 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.

- 1.5 Representations were previously made by Vulcan with regard to the now abandoned draft Black Country Local Plan Regulation 18 consultation. The Vulcan site at Brades Road was also put forward in response to a call for sites exercise. Consequently, it was included as a proposed housing allocation. The representations from Vulcan can be found at **Appendix 1**.
- 1.6 Vulcan reserves the right to amend, add to or withdraw these representations and also expects to make further submissions as the emerging Local Plan progresses.

2.0 Question 1: Vision and Objectives

What do you think are the main issues that the new SLP should address in Sandwell?

- 2.1 **Option B** | A new vision specifically for the Local Plan and the plan period it will cover along the lines of the suggested wording should be used as the basis for preparing the SLP.
- 2.2 A principal issue to be addressed by the new SLP is future housing supply and delivery to meet local needs in a sustainable manner across the Borough. Sandwell has an industrial past and its right to appreciate its legacy. However, there needs to be an appreciation that existing underutilised and/or ill-positioned employment sites may not appropriately serve their purposes anymore and that site adaptability towards other uses such as housing may be the best approach in sustainable, accessible locations. To meet modern employment needs, newly identified strategic employment land in better, more accessible locations across the borough should be identified. The spatial strategy needs to consider the housing and employment relationship to ensure both needs are appropriately fulfilled across the plan period.

If you think the SLP should include a new Vision (along the lines of the suggested wording above), do you think the Vision should cover any other issues?

- 2.3 In principle, the proposed new vision is supported. The housing section should be expanded to include specific reference to and a statement that the delivery of housing to meet identified local needs is a priority.

*'There is a wide range of housing available to Sandwell residents, designed to support sustainable living and capable of adaptation to suit all sections of the community. Affordable, social and council houses are available to those who need them. **There is a need to build a significant number of new homes to meet local housing needs.**'*

- 2.4 The paragraph also could specifically detail the current housing stock composition are where there are particular requirements for improvements over the plan period (i.e. housing mix, densities, tenues and typologies).
- 2.5 The paragraph addressing economic growth and investment opportunities is supported within the proposed new vision.

'Sandwell continues to deliver sustained and sustainable economic growth and investment opportunities from its highly accessible location at the heart of the country. It provides high-quality goods and services from its powerful industrial base and levels of employment, wages and economic activity are high and rising.'

- 2.6 It is considered that there needs to an appreciation that some existing underutilised and/or ill-positioned employment sites may not appropriately serve its purpose anymore and that site adaptability towards other uses such as housing may be the best approach. Vulcan suggests this should be included in the new vision.

Should the Sandwell Local Plan:

- ***promote higher levels of development to support economic growth; or***
- ***plan for the minimum necessary to help meet the needs of our population?***

- 2.7 Vulcan is of the view that planning for the minimum necessary is not sufficiently ambitious. The new local plan should seek to promote higher levels of development to meet local needs, and to encourage growth

through building new homes and delivering economic investment, including direct and indirect investments over the plan period.

What are your thoughts on the draft objectives?

- ***Do you think they are appropriate?***
- ***Are there any other objectives we should be including?***
- ***Do you disagree with them - if so, can you explain which ones and why?***

2.8 Vulcan is of the view that the objectives are generally sounds and supports particularly the following objectives:

- **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 4** - Support regeneration, business investment and job creation to maintain and grow a prosperous and resilient local and regional economy in ways that consider environmental and climate change factors
- **Objective 6** - Ensure communities in Sandwell are safe and resilient and social cohesion is promoted and enhanced
- **Objective 7** - Require new development to deliver a high standard of design reflecting local character and distinctiveness and that creates greener and safer places that people feel proud to live and work in.

2.9 **Objective 3** which relates to housing is broadly supported, however, more specific referencing of the delivery of housing to meet identified local needs through reference to achieving the right housing mix, densities, tenures, and typologies would make the objective more focussed on what is needed locally.

2.10 **Objective 10** which relates to effective and prudent use of previously developed land and natural resources is broadly supported, however, reference to sites which are existing underutilised and/or ill-positioned may not appropriately serve its purpose anymore and that adaptability towards other uses such as housing would allow for flexibility.

3.0 Questions 2: Strategic Policies

Do you agree with the Council's decision to incorporate some of the former BCP policies¹ into the SLP, to benefit from the work already done on them and to make it potentially easier for the four Black Country councils to address certain wider-than-local matters in a joined-up manner?

If so: -

- ***Are there any of the BCP policies listed in the appendix that you think the Council should definitely include?***
- ***Are there any of the BCP policies in the appendix that you think the Council does not need to include?***

- 3.1 Whilst prepared in a sub-regional context, the former BCP is a recently drafted development plan document prepared in the context of national planning and guidance which is currently not materially changed. Furthermore, a number of the policies in the former BCP were underpinned by an evidence base that in large parts remains up-to-date and robust, and of course many are directly relevant to Sandwell Borough. Where BCP policies can be recycled, it is logical and justified for this to happen.
- 3.2 Any material change in national planning policy and guidance might limit the extent to which former BCP policies can be recycled in the new local plan.
- 3.3 Applicable evidence base and assessments from the former BCP can be justifiably to inform policies in the Sandwell local plan, supplemented and expanded upon where necessary.
- 3.4 Vulcan submitted BCP Regulation 18 representations, and these can be viewed at **Appendix 1**. These representations set out its previous policy view of the then emerging BCP.

4.0 Question 7: Future Development in Sandwell

What do you think are the main challenges we face in planning for housing and employment in Sandwell between now and 2041?

- 4.1 The Development Strategy and Housing Provision text states 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 across the Black Country to meet identified needs. Sandwell itself has a housing need of approximately 30,300 new dwellings between 2021 and 2041 that will not all be delivered by the allocations that will be included in the plan, with an overall supply figure of around 9,492. There will be several options for dealing with this, but the main issue remains the lack of available land suitable for housing.’ It is acknowledged that the former BCP approach to meeting housing shortfall proposed some green belt release sites and provision by neighbouring authorities out of area. It is noted that provision out of area continues to be the subject of development plan Examination in Shropshire. Notwithstanding this, consultation on the BCP indicated that the combined authorities were still not wholly meet local housing needs, necessary to solve housing supply deficiency locally, alongside making appropriate provision for economic growth. Without doubt identifying opportunities that can assist in fully meeting local housing needs is one of the biggest challenges for Sandwell. It is highly likely that a component of any solution to addressing the shortfall in sites to and the supply shortfall will be higher density residential development on brownfield sites in the Central Core Growth Area.
- 4.2 From the information provided, there is currently a significant shortfall of housing land supply across the plan period. Paragraph 60 of the Framework 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’. Therefore, housing supply and delivery should be prioritised within the emerging local plan vision and objectives.

What are your views on the overall amount of new housing and employment that is needed in Sandwell?

- 4.3 Housing supply needs to be increased to ensure the plan is sound and able to deliver upon its objectives. Effective assessment of previously developed land and existing underutilised and/or ill-positioned sites that may not appropriately serve its purpose anymore is part of this solution. Previously proposed allocations located within Sandwell area, which were part of the draft BCP can form part of the basis for the required supply. There is good reason to front-load a proportion of new homes to be delivered within the Sandwell area, where there is evidence that sites are available and deliverable and potentially suitable for higher density development.

What types of homes are needed in Sandwell? Examples may include, but not be limited to:

- ***Detached or semi-detached family housing***
- ***Bungalows***
- ***Smaller houses such as maisonettes or terraced housing***
- ***Higher density development such as flats and town houses***
- ***Co-housing 3***
- ***Self- and custom-build homes***

- 4.4 Dwelling and tenure mix should be site specific and subject to a consideration of local housing needs both in terms of absolute numbers and types of new homes. This should be underpinned by the evidence base behind the development plan and individual site assessments and appraisals.

Where do you think this new housing should be built?

- ***On brownfield or underused land***
- ***On previously undeveloped or greenfield sites***
- ***On underused or derelict open space***
- ***On the sites of older or derelict / vacant buildings, including areas of older housing, flats, factories or other unused buildings?***

- 4.5 National Policy priorities redevelopment of brownfield sites and optimising use of land. This is supported in principle by Vulcan, within the context of development plans needing to make provision for meeting local housing needs. It is important that appropriate provision is made for sites to come forward and new housing to be delivered across a range of densities and types to meet the housing needs of an area. This is important such that housing needs might be fulfilled by providing an appropriate range of housing typologies and densities across the plan area.

What sort of new development (homes, workplaces, shops, leisure facilities etc) do you think would help make Sandwell a better place to live by 2041?

- ***Where do you think it should be built?***

- 4.6 Defined centres and the Central Core Growth Area should be the primary focus for new development, regeneration, and infrastructure investment. Strategic distribution of new development should be directed to sustainable locations within the Sandwell area.

Do you think we should be asking for higher density developments in centres and on sites near public transport hubs / links?

- ***If so, do you think we should use the densities identified in the draft BCP (Policy HOU2) and set out above?***
- ***Should we ask for higher densities than this?***
- ***Should we ask for lower densities than this?***

- 4.7 Optimising development density is a pre-requisite to meeting local housing needs given the local context, but this cannot be at the expense of providing the right type of housing in the right locations and achieving high standards of amenity for future residents. Vulcan made representations in respect of draft BCP policy HOU2 in the context of a Black Country Area housing shortfall of at least 25% against Government-assessment requirements. This said that policy around density should explicitly acknowledge that very high-density development may be appropriate within the defined Central Core Growth Area, subject to accessibility standards and very high density not prejudicing historic character or local distinctiveness. The representations highlighted that draft BCP policy HOU2 should be consistent with policy HOU3 and explicit that the dwelling mix and any mix of tenures will be site specific and in-part subject to a consideration of local needs at the time of a proposed development coming forward. This policy relationship should be echoed in any forthcoming policy relating to policy housing mix and density. The full representation on draft BCP policy HOU2 is at **Appendix 1**.

Should there be a greater emphasis on: -

- ***allocating land for mixed-use development (where housing, employment / business development, community facilities etc. sit next to each other);***
- ***allocating land for single end uses, such as just housing or just employment?***

4.8 The appropriateness of allocations for either single use or mixed use should be site specific. Embodied in the principles of sustainable development is that places where people live, and work should be accessible from one another and in some settings that can mean mixed-use development. There will be sites that are suited to mixed use development and other sites that are better suited to a single use, with connections achieved through strong green travel links. The appropriateness on any given site should be assessed on a site-by-site basis. Dwelling mix and any mix of tenures will be site specific and subject to a consideration of local needs at the time of a proposed development.

5.0 Question 8: Housing Windfall Sites

We think that a local windfall policy is needed to ensure that any proposals for residential development on sites that are not allocated are in the right place and do not have adverse impacts on current and neighbouring uses.

- ***Do you agree?***
- ***If so, what should it contain?***

- 5.1 A windfall policy is important given that this will be a component of the supply needed to meet local housing needs. Inclusion of windfall site policy acknowledging that provision will be part of the land supply is both appropriate and normal. Windfall sites will come forward and any policy needs to embody a degree of flexibility over the plan period, as there number of windfall sites, their contribution to density and their locations are unknown factors. Proposals for new development should take account of existing adjacent activities where the proposed development could have an adverse effect on or be affected by neighbouring uses. Appropriate mitigation measures with regard to the impact of noise and other potential nuisances would be expected to be included where necessary.

Are there any specific local considerations that we should include when we are making decisions on windfall sites?

For example:

- ***should housing development be allowed on current employment land?***
- 5.2 Vulcan considers that the current local plan process should seek to identify and allocate any brownfield sites that would be encouraged into alternative use over the course of the plan period; such as life-expired or near life-expired employment sites that would be better suited as coming forward for housing development. This would be in the context of assessments of the need for to provide land for new housing alongside meeting economic development objectives. There will be sites that are not allocated in the development plan that come forward at a later time and are appropriate for housing development as windfall sites. The plan needs to make appropriate provision for these, and allow for a degree of flexibility in supply over the plan period. Specific consideration will be the housing, employment and other needs locally at the time of a windfall site coming forward. This is consistent with making effective use of land principles of the Framework at paragraphs 122 and 123, which relate to changes in the demand for land and meet identified development need.

6.0 Question 9: Sustainable Locations

Should most new development:

- ***be concentrated in locations with the best levels of sustainable access to jobs, transport, services and facilities?***
- ***be spread out between different towns and centres, to help support new growth and investment in those locations currently without a good supply of jobs, transport, services and facilities?***

- 6.1 Vulcan is in agreement with the statement that Sandwell is a *'highly sustainable location in many ways, given its history of industry and employment existing alongside residential areas and its good transport and road links.'* Defined centres and Central Core Growth Area should be the primary focus for new development, in a large-part through regeneration, as it is in these areas where existing infrastructure exist and/or there is there is a strong case to be made for investment in existing infrastructure.
- 6.2 Vulcan agrees with the approach of spreading new development across different towns and centres. This is consistent with the principles of sustainable development, making the best use of previously developed land and providing for new jobs and homes across the Sandwell area. It is important that towns like Oldbury are given equal focus in helping to meet housing, employment and other land use needs over the development plan period.

Are there any locations in Sandwell you think we should look at in particular to find land for new development?

- 6.3 Defined centres and the Central Core Growth Area should be the primary focus for new development, including Oldbury and those areas immediately surrounding it. Consistent with the principles of sustainable development and making the best use of previously developed land, opportunities for the redevelopment of, and putting to new uses, previously developed brownfield sites and should be a cornerstone of the housing and employment land strategies of the plan. Given the need to identify significant numbers of sites to meet anticipated local housing needs, optimisation of land made is a priority and provision should be made for higher density development wherever this is appropriate, and it can assist in meeting local housing needs.

What else can the SLP do to support the sustainability of local communities?

- 6.4 Vulcan is broadly supportive of the aims to *'maintain those close relationships and networks by encouraging development to make the most of its surroundings and communities, and to provide sufficient opportunities for new and improved infrastructure such as schools, health and emergency services, open spaces and transport hubs'.* Connectivity through good transport infrastructure is critically important to ensure that existing and new residential areas have ready access to jobs and social infrastructure. Sandwell should also look to plan for walkable neighbourhoods where there is a juxtaposition of homes, jobs, community services and leisure opportunities.

How can the SLP help to increase the number of journeys made on foot, bicycle and public transport by people who want to access services and facilities?

- 6.5 Vulcan is of the view that spreading new development across the Borough, focussing on sustainable places that offer the best opportunities for ease of connectivity between homes, jobs, services and opportunities to better health and well-being, is the optimum way to increase the number of journeys made on foot and by

bicycle provided that the right infrastructure is in place. Strong public transport connectivity between where people live, work and spend leisure time will also assist in reducing the number of car-borne journeys made.

7.0 Question 13: Self and Custom Building

Do you think Sandwell's new local plan should include a policy on self- and custom-build?

- 7.1 Whether or not a site is suitable for self-build either in whole or in part will be dependent upon a multitude of factors, and needs to be assessed on a site-by-site basis.
- 7.2 There is good reason to consider a pro-self-build policy, which might say that the Council will support proposals for self-build and custom-build housing in sustainable locations subject to being in accordance with other development plan policies.
- 7.3 Vulcan considers that any policy requiring a proportion of serviced plots to be provided all housing development sites above a certain threshold of units (such as 100 units) has potentially significant downsides. A significant proportion of sites, and particularly brownfield sites in urban areas, will not be suitable for a proportion self-build / custom-build plots and to require a lack of need and / or a lack of viability to be demonstrated in order to exclude self-build / custom-build runs the risk of slowing the delivering of new homes and potentially harming viability.
- 7.4 If any such policy were to be considered for inclusion, it would need to be clear that any serviced plots not taken up (for example after 12 months of marketing) can revert to open market housing.

8.0 Question 14: Specific Housing Requirements

Do you agree that the new SLP should contain a policy on housing suitable to meet the needs of people who have special needs or who require additional support?

- 8.1 A development plan should seek to plan for the needs of all members of the local community, and that includes meeting the needs of people who have special needs or who require additional support. A development plan should be clear regarding what is required in terms of provision of accessible homes, in terms of both the proportion of homes and the standards to be achieved. There is need for development plan policies to be cognisant of building regulations requirements, without necessarily repeating the detail of what new homes will be expected to comply with.

The Council intends to incorporate the national minimum space standards for new housing as set out in the optional Building Regulations Requirement M4(2): Accessible and Adaptable Dwellings 4.

- ***Do you agree with this approach?***

- 8.2 Any development plan policy regarding access to and the use of buildings should be clear to what extent development is expected to be consistent with the optional building regulations requirements: M4(2) Category 2: Accessible and adaptable dwellings; and M4(3) Category 3: Wheelchair user dwellings. The development industry is supportive of the need for provision in accordance with M4(2) and M4(3) and it is important for development plan policy provided clear guidance on what is expected of new development coming forward.

9.0 Question 28: Employment Land Need

How do you think the shortfall in the supply of employment land should be addressed?

- 9.1 New larger strategic sites for employment, which are suited to modern commercial and employment needs and appropriately located to meet sustainability objectives, are likely to be a principal component of future supply. The potential exists for the recycling of some existing employment land, but there will be significant areas of former employment land that are life-expired in that use and better suited coming forward to help address local housing needs. There needs to be an appreciation that all future employment needs cannot be met through the recycling of existing employment land. Additional strategic employment land requirements are likely to be met through the release of previously undeveloped land and may be dependent upon cross boundary distribution. New strategic sites are likely to provide a different offer to the existing employment stock within Sandwell.

10.0 Question 30: Regeneration

Do you think that the SLP needs a specific policy in relation to the regeneration of parts of Sandwell?

- ***If so, what should the policy contain?***
- ***Do you know of any areas in particular that should be included?***

- 10.1 Vulcan is supportive in principle of the *'co-ordinated and sustained regeneration in Sandwell is in the Central Core Growth Area, which includes the key employment areas of the Borough. It will be the focus for the delivery of regeneration and renewal opportunities for employment. Regeneration will include delivering new development / redevelopment in both industrial and residential areas.'*
- 10.2 There is merit in a specific policy promoting the recycling of land within the *Central Core Growth Area* and consistent with specific site allocations, this may be for new uses and particularly housing development replacing employment uses on sites where the current use had become life expired.
- 10.3 To make the maximum use of previously developed land, there should be encouragement for higher density development wherever this is achievable and consistent with other development plan policies and national standards and guidance.

Thinking about areas that need to be improved, what do you think would make Sandwell a more attractive prospect for potential homeowners, inward investment and new business occupiers?

- ***Improved infrastructure (e.g. roads, drainage, accessibility to public transport)?***
 - ***Areas of mixed use (i.e. where housing and employment uses are situated next to or near each other, for example in town centres or industrial areas)?***
 - ***The inclusion of more open space and landscaping (e.g. pocket parks, tree planting, open space and informal sitting areas)?***
 - ***Anything else?***
- 10.4 Vulcan is supportive of the principle of mixed uses, in the interests of delivering sustainable walkable communities and minimising the need for car travel. Not all sites will be suited to a mix of uses, but a mix of uses within areas is consistent with these objectives of increasing the ease of connectivity between the places where people live, work and take care of their health and well-being. An area-based approach is a justifiable approach to adopt, looking at the current and future planned composition of neighbourhoods in terms of the number and quality of homes, employment land, provision of services and access to open space and other assets important for health and well-being.
- 10.5 Aligning with planned improvements to existing, and the delivery of new, infrastructure should be the subject of pro-development policies, including in context of development plan allocations for new housing, employment floorspace and other drivers of economic growth.

11.0 Question 31: Demand for employment sites

Do you think we should focus on supporting the growth of existing smaller businesses and companies on sub-divided former industrial sites?

- 11.1 The demand for employment floorspace and premises locally will be led by the evidence base and responses to consultation over the emerging development plan. There is a need to plan all forms of business and industry, addressing the needs of both existing employers in the borough and seeking to attract inward investment. One is not mutually exclusive from the above. In terms of the types of premises that should be provided for, there is a need to deliver a range of unit / office sizes to meet the need of start-ups, existing and new SMEs and larger businesses looking to either relocate within or more in to the borough. There is strong justification for the juxtaposition of smaller businesses and larger enterprise, given the supply chain and spin-off benefits of smaller businesses being located nearer to larger operations.
- 11.2 The Issues and Options consultation material reflects that *'part of the borough's legacy of heavy industry is the sub-division of large industrial sites and premises that have then been occupied by smaller firms, creating clusters of smaller businesses.'* This piecemeal use of former sites and premises is not typically the most efficient use of existing developed land, or providing the right environment for supporting the growth of existing smaller businesses. There needs to be a focus on providing new employment floorspace that can meet the contemporary business needs across a range of company sizes, and at the same time a focus on recycling that old industrial land that is best coming forward for redevelopment including to meet local housing needs. There needs to be flexibility in solutions to allow for a broad range of businesses types and sized to be sustained and introduced in the borough, whilst seeking to plan for sufficient new homes to meet local needs over the plan period.
- 11.3 Any policy on employment land and supporting the growth of existing smaller businesses and companies should acknowledge that a significant proportion of existing/former employment sites/areas can best meet future needs by transitioning to residential use. Some of these existing/former employment sites/areas being brought forward for housing will be alongside other employment areas being retained in employment use.

There is evidence of demand for large sites for new inward investment in Sandwell from big companies, but the sites available for new business tends to be smaller ones and very few large vacant sites are available.

Do you have any ideas or suggestions on how we might address this issue? Options might include (but not be limited to): -

- ***Concentrating on attracting smaller businesses into Sandwell until larger sites become available through natural churn (where businesses move into / out of an area as they grow or change);***
- ***Identifying existing larger areas of current employment activity and explore opportunities for improving their attractiveness to the market (e.g. through renewing and improving infrastructure such as parking and access, supporting the improvement of existing buildings and premises, introducing new or additional landscaping);***
- ***Identifying opportunities as a Council to actively create sites for large companies or industrial occupiers (e.g. through the council using compulsory purchase powers / buying sites on the open market, or using land they own), even if that means displacing / relocating smaller companies to do so;***

- ***Any other suggestion?***

- 11.3 New larger strategic sites for employment, which are suited to modern commercial and employment needs and appropriately located to meet sustainability objectives, are likely to be a principal component of future supply. The potential exists for the recycling of some existing employment land, but there will be significant areas of former employment land that are life-expired in that use and better suited coming forward to help address local housing needs. There needs to be an appreciation that all future employment needs cannot be met through the recycling of existing employment land. Additional strategic employment land requirements are likely to be met through the release of previously undeveloped land and may be dependent upon cross boundary distribution. New strategic sites are likely to provide a different offer to the existing employment stock within Sandwell.
-

12.0 Question 33: Alternative Uses in Industrial Areas

Do you agree that local employment estates / land / sites should be retained exclusively for local and small-scale employment uses?

- 12.1 Vulcan does not support this position and it is based upon an assumption that existing employment sites have a viable future in employment use and that their continued employment use is the best use of previously developed land. Preparation of a new development plan be undertaken with a degree of flexibility and appreciation of the needs of an area to change, acknowledging that the future uses that should be planned for some existing employment sites is their release for housing development. It is important to ensure that development plan policies allow places to adapt accordingly to reflect local housing and employment needs and the pattern of new development that will best serve the borough over the local plan period.

Are there any circumstances where you feel non-employment uses would be appropriate in such areas?

- 12.2 It is important for development plan policy to acknowledge that the most appropriate future use of some existing employment sites will be a transition to housing use. This is in the contexts of meeting local housing needs, and making the best use of previously developed land. The density of new housing development, including on former employment land, should be maximised to what is considered appropriate given the context of local site conditions and local housing needs.
- 12.3 New uses, including housing in local employment areas that requires planning permission, will be considered in context of the relationship with any neighbouring economic uses, both existing and proposed.

If so, what sort of uses do you think would be appropriate?

- ***Housing?***
- ***Non-industrial employment uses (e.g. gyms, vets, children's play spaces, dog day-care)?***
- ***Community spaces?***
- ***Banqueting suites and venues?***
- ***Any other use?***

Please identify which ones you think would be acceptable and why.

- 12.4 It is important for development plan policy to acknowledge that the most appropriate future use of some existing employment sites will be a transition to housing, and likely to other uses as well. Development plan policy should establish the principle of such transitions through appropriate site allocations, and it will be for the assessment of planning application to determine whether the detail of proposals is consistent with development plan policy in terms of the type of new development, its density and its relationship with surrounding land uses.

How do we ensure that if such uses are allowed in employment locations, they do not proliferate / draw trade and activity away from town centres?

- ***Sequential test (e.g. clear demonstration that no suitable site can be found within an existing centre or be more sustainably located)?***
- ***Proliferation considerations (e.g. no more than X number of similar venues within a set radius)?***
- ***Both?***
- ***Any other criteria?***

- 12.5 In line with paragraph 87 of the Framework, main town centre uses should be subject to sequential test where a development is proposed on a site that is located outside of a defined town centre. Non main town centre uses such as housing are not the subject of the sequential test, The principle of a site being appropriateness for housing is best determined through allocations in plan making, with the detail of a proposal and its consistency with the development plan a matter for development management.
-

13.0 Conclusions

- 13.1 On behalf of our client Vulcan Property II Limited (Vulcan), Maddox Planning has prepared representations in respect of the Issues and Options stage consultation of the emerging local plan made available for public comment until 20 March 2023. A response is given to a number of questions posed in respect of the Issues and Options stage consultation. A response to the call for sites submission is made under separate document.
- 13.2 Representations were previously made by Vulcan with regard to the now abandoned draft Black Country Local Plan Regulation 18 consultation. The Vulcan site at Brades Road was also put forward in response to a call for sites exercise. Consequently, it was included as a proposed housing allocation.
- 13.3 Vulcan reserves the right to amend, add to or withdraw these representations and also expects to make further submissions as the emerging Local Plan progresses.

Appendix 1

MADDOX PLANNING

BLACK COUNTRY PLAN

REGULATION 18 CONSULTATION 2021

BRADES ROAD, OLDBURY

VULCAN PROPERTY II LIMITED

MADDOX PLANNING

LONDON & MANCHESTER

0845 1211706

DRAFT BLACK COUNTRY PLAN

REGULATION 18 CONSULTATION

REPRESENTATIONS FOR VULCAN PROPERTY II LIMITED

BRADES ROAD, OLDBURY

08/10/2021

Local authority

Sandwell / Black Country authorities joint local plan preparation

Plan

Draft Black Country Plan

Stage of plan preparation

Regulation 18 Consultation

Summary statement

A number of draft Black Country Plan policies are identified as requiring amendment to ensure that they are positively prepared, unambiguous and pass the test of soundness.

Representations

The following adopted and emerging planning policies are particularly relevant (see policy extracts):

Draft Plan chapter	Issue/policy reference and title	Page(s) in this document
2	The Black Country 2039: Spatial Vision, Strategic Objectives and Strategic Priorities	7
3	Spatial Strategy	8
	Policy CSP1 - Development Strategy	
	Policy CSP2 – The Strategic Centres and Core Regeneration Areas	
	Policy CSP4 - Achieving well-designed places	
4	Infrastructure & Delivery	10
	Policy DEL2 – Balance between employment land and housing	
6	Housing	11
	Policy HOU1 – Delivering Sustainable Housing Growth	
	Policy HOU2 – Housing Density, Type and Accessibility	
	Policy HOU3 – Delivering Affordable, Wheelchair Accessible and Self Build / Custom Build Housing	
7	The Black Country Economy	14
	Policy EMP1 – Providing for Economic Growth and Jobs	
	Policy EMP3 - Local Employment Areas	

9	Transport	15
	Policy TRAN7 Parking Management	
	Policy TRAN8 Planning for Low Emission Vehicles	
10	Environmental Transformation and Climate Change	17
	Policy ENV3 – Nature Recovery Network and Biodiversity Net Gain	
	Policy ENV4 – Provision, retention and protection of trees, woodlands and hedgerows	
	Policy ENV 5 - Historic Character and Local Distinctiveness of the Black Country	
	Policy ENV7 – Canals	
	Policy ENV8 – Open Space, Sport and Recreation	
	Policy ENV9 – Design Quality	
	Policy CC1 – Increasing efficiency and resilience	
	Policy CC2 – Energy Infrastructure	
	Policy CC3 – Managing Heat Risk	
	Policy CC4 – Air Quality	
	Policy CC5 – Flood Risk	
	Policy CC6 - Sustainable drainage and surface water management (SuDS)	
	Policy CC7 – Renewable and Low Carbon Energy and BREEAM Standards	
11	Waste	23
	Policy W5 – Resource Management and New Development	
	Sub-Areas and Site Allocations	24
	B. Sandwell	

1.0 Introduction

- 1.1 Maddox Planning (Maddox) has prepared these representations for Vulcan Property II Limited (Vulcan), in respect of the Regulation 18 consultation on draft Black Country Plan, made available for public comment over the period 16 August 2021 to 11 October 2021.
- 1.2 The representations address the spatial vision, strategic objectives and strategic priorities of the draft plan and makes specific commentary on draft policies concerning: the spatial strategy; infrastructure and delivery; housing; the Black Country economy; transport; environmental transformation and change; and waste. Commentary is also made in respect of the proposed approach towards sub-areas and site allocations. The representations are submitted in context with Vulcan land interests at Brades Road, Oldbury. The Vulcan site is included in the draft Black Country Plan as a proposed residential development allocation (site reference: SAH 229) following it being put forward in the 2019 call for sites. It is also identified as part of the proposed Core Regeneration Areas which are a focus for development, investment and regeneration and link the Strategic Centres; in the case of the area that Brades Road is within, linking the Strategic Centres of Brierley Hill and West Bromwich.
- 1.3 The call for sites submission dated 4 August 2020 is attached at **Appendix 1**. This provides Brades Road site context.
- 1.4 The National Planning Policy Framework (July 2021) – the Framework – sets out the Government planning policies for England and how these should be applied. Paragraph 15 states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide: a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
- 1.5 It is a statutory requirement that a body preparing a development plan publishes its draft development plan document for consultation ahead of submitting that document for independent examination; an examination to assess whether it is sound and legally compliant, alongside whether other statutory requirements are satisfied¹. In preparing a development plan document, the body preparing that document must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State².
- 1.6 Paragraph 16 of the Framework sets out that a plan should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development³;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 1.7 Paragraph 11 of the Framework sets out the Government presumption in favour of sustainable development. It states that 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 areas⁴, unless:

¹ Section 20(5) of the Planning and Compulsory Purchase Act 2004

² Section 19(2) of the Planning and Compulsory Purchase Act 2004

³ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004)

⁴ As established through statements of common ground (National Planning Policy Framework July 2021, paragraph 27)

- 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 area⁵; 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.

- 1.8 These representations are concerned with where amendment to the strategic approach, policies and supporting text of the Black Country Plan should be considered to ensure consistency with national policy and guidance and other relevant considerations such that the plan might be found sound and legally compliant on examination.

⁵ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change

2.0 Chapter 2: The Black Country 2039: Spatial Vision, Strategic Objectives and Strategic Priorities

- 2.1 Table 1 *Black Country Plan - Objectives and Strategic Priorities* sets out 15 strategic priorities across eight objectives. The strategic priorities should acknowledge that a function of a development plan is to identify the most appropriate land uses for particular locations and allocate sites accordingly, on the basis of assessed need for new homes and commercial floorspace. The identification of sites proposed for development should have regard to the vision and objectives of a plan, in this instance the strategic priorities and objectives of the draft Black Country Plan, taking account of national policy and guidance and other material considerations and the need to minimise the impact of climate change whilst adapting to its effects and mitigating is current and potential future impacts.
- 2.2 Strategic Priority 3 (within the objective *Housing that meets all our needs*) is to provide a range and choice of accommodation, house types and tenures to meet the needs of current and future residents. Strategic Priority 3 should be explicit that meeting the needs of current and future residents requires a strategic policy-making authority to establish a housing requirement figure or its whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.
- 2.3 It is important for Strategic Priority 3 to be set within the context of the requirement upon a strategic plan making authority to identify sufficient land for homes. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, considering their availability, suitability and likely economic viability. Strategic Priority 3 should commit to meeting this obligation of identifying sufficient land for homes.
- 2.4 Strategic Priority 4, to improve and diversify the Black Country housing offer, is supported.

3.0 Chapter 3: Spatial Strategy

Policy CSP1 - Development Strategy

- 3.1 Policy CSP1 states that the Black Country Authorities (BCA) will deliver at least 47,837 net new homes over the period 2020 to 2039 and create sustainable mixed communities that are supported by adequate infrastructure. It is acknowledged that this is a shortfall on the number of homes calculated as being required over this period using the Government standard methodology. The Government published on 16 December 2020 indicative annual housing need by local authority area, using a revised calculation methodology. The stated annual requirement for the Black Country is 4,019 comprising: Dudley (636); Sandwell (1,488); Walsall (882); and Wolverhampton (1,013). This suggests the total number of houses required is 76,361 (over 19 years). Policy CSP1 should be clear how the quoted requirement of 76,076 net additional homes is arrived at.
- 3.2 The draft Black Country Plan proposes the removal from the Green Belt of sites, for which the removal is deemed suitable, available and achievable, capable of accommodating 7,720 houses over the plan period. These are included in the 47,837 net new homes that it is considered are deliverable across the four administrative areas during the plan period. This leaves a shortfall of 28,238, based upon an assessed housing requirement of 76,076 units. There is not a complete picture on how the assessed shortfall might be addressed. It is acknowledged that under the 'Duty to Cooperate', the BCA are working with neighbouring authorities to determine what level of additional housing could be delivered outside of the Black Country Plan area to help address the shortfall. An upper estimate of 9,500 houses still leaves a shortfall of over nearly 19,000 homes.
- 3.3 It is possible that continued discussions with neighbouring authorities will result in agreement over increased housing provision outside of the Black Country Plan area. It is also possible that a future review of the standard methodology will reduce the burden of responsibility on the BCA. However, it seems unlikely that there will be any shift in either requirement or provision of a sufficient magnitude such that the shortfall of 19,000 homes is eliminated. This indicates very strongly that the BCA will have to look to other solutions within the plan area. It is highly likely that a component of any solution will be higher density residential development. It is acknowledged that paragraph 3.14 states that *'...The BCA have identified and made effective and extensive use of brownfield and urban sites and have also undertaken density uplifts in relation to both existing and new allocations'*. However, local policy needs to go further and the development strategy in Policy CSP 1 should acknowledge that higher density development is likely to be a pre-requisite to delivery of sufficient housing to meeting local needs over the plan period.

Policy CSP2 – The Strategic Centres and Core Regeneration Areas

- 3.4 Strategic Centres and Core Regeneration Areas being the primary focus for new development, regeneration, and infrastructure investment is supported. Subsection (3c) of policy CSP2 states that the Strategic Centres have the potential to provide 9,561 new homes of mixed type and tenure; the majority built at high densities as part of mixed-use developments. The Subsection (3c) reference to density should repeated in subsection (4d) such that intention is extended to also reference potential for high density residential development in the Core Regeneration Areas. The BCA currently have a 25% housing shortfall against requirements, even when proposed green belt release sites and provision by neighbouring authorities out of area are factored-in. It is highly likely that a component of any solution to addressing the current housing shortfall will be higher density residential development in the defined Core Regeneration Areas in addition to in the defined Strategic Centres.

Policy CSP4 - Achieving well-designed places

- 3.5 The approach of the draft Black Country Plan to well-designed places should accord with the latest Framework guidance (paragraphs 126 to 136 inclusive of the July 2021 version of the Framework). The policy should be clear about design expectations and how proposals will be tested against policy, having regard to national guidance and other material considerations. The BCA should prepare design guides and/or design codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. If these are to follow as supplementary planning documents, then the draft development plan policy should be explicit in this regard.

- 3.6 Policy CSP4 should provide clarity over how the BCA intend to proportionately apply any assessment frameworks, such as Building for a Healthy Life⁶, in the context of high-quality design and placemaking being central to the ambitions of the LEP and the WMCA (paragraph 3.57). Paragraph 133 of the Framework sets out that assessment frameworks are ‘...*particularly important for significant projects such as large scale housing and mixed use developments*’. The Planning Practice Guidance (PPG) provides clarity on this, stating that:

‘Authorities may wish to refer to the use of specific frameworks in their policies or supplementary planning guidance that are most relevant to the vision for their area, although it is important to ensure that they are used in a proportionate way and do not conflict with national or local planning policy’⁷.

- 3.7 Whilst justified for the largest-scale, strategic development sites, in the context of the guidance provided by the Framework and the PPG, such processes can introduce unjustified additional costs and unnecessary delay in the decision making process for smaller scale developments. It is important when setting out broad policies relating to high quality design (of both places and buildings) that thresholds are introduced such that it is clear and unambiguous which developments are to be subject to which requirements. Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

⁶ Birkbeck D and Kruczkowski S et al (2020) Building for a Healthy Life

⁷ Paragraph: 018 Reference ID: 26-018-20191001- Revision date: 0110 2019

4.0 Chapter 4: Infrastructure & Delivery

Policy DEL2 – Balance between employment land and housing

- 4.1 Draft policy DEL2 is concerned with ‘windfall sites’ for housing or employment development. It is drafted as a criteria based policy with (1d) stating that *‘Proposals for new development must take account of existing adjacent activities where the proposed development could have an adverse effect on or be affected by neighbouring uses. Mitigation of the impact of noise and other potential nuisances will need to be demonstrated’*. This criterion should also reference taking account of proposed adjacent activities (in addition to existing), where the proposed development could have an adverse effect on or be affected by development coming forward in accordance with Black Country Plan allocations.

5.0 Chapter 6: Housing

Policy HOU1 – Delivering Sustainable Housing Growth

- 5.1 Policy HOU1 states that the Black Country Authorities (BCA) will deliver at least 47,837 net new homes over the period 2020 to 2039. This represents a significant shortfall on the number of homes calculated as being required over this period using the Government standard methodology. The Government published on 16 December 2020 indicative annual housing need by local authority area, using a revised calculation methodology. The stated annual requirement for the Black Country is 4,019 comprising: Dudley (636); Sandwell (1,488); Walsall (882); and Wolverhampton (1,013). This suggests the total number of houses required is 76,361 (over 19 years). It is not clear how the quoted requirement of 76,076 houses (paragraph 6.4) is arrived at, and this should be set out explicitly in policy HOU1.
- 5.2 Table 4 which follows the policy text of HOU1 sets out the minimum housing target over the period 2020-39 for each of the four Black Country authorities and for each of the Black Country Plan phases (2020-29, 2029-34 and 2034-39). Total net homes to be delivered in Sandwell is stated as 9,158 or 482 dwellings per annum. There is a significant discrepancy between the standard methodology assessed requirement for Sandwell of 1,488 houses per annum and the expected net delivery of 482 dwellings per annum. The draft Black Country Plans needs to be explicit over the land supply reasons for this (i.e. is it site availability only, and/or other reasons), the justification for a redistribution of housing requirements and the potential for some of the discrepancy to be recovered through higher density development; particularly within the defined Core Regeneration Areas.
- 5.3 47,837 net new homes are considered are deliverable across the four administrative areas during the plan period. This leaves a shortfall of 28,238, based upon an assessed housing requirement of 76,076 units, without any complete picture on how this shortfall might be addressed. It is acknowledged that under the 'Duty to Cooperate', the BCA are working with neighbouring authorities to determine what level of additional housing could be delivered outside of the Black Country Plan area to help address the shortfall. An estimate of up to 9,500 houses still leaves a shortfall of over nearly 19,000 homes.
- 5.4 It is possible that continued discussions with neighbouring authorities will result in agreement over increased housing provision outside of the Black Country Plan area; the current 9,500 units upper threshold might also not be realised. It is possible that a future review of the standard methodology will reduce the burden of responsibility on the BCA. However, it seems unlikely that there will be any shift in either requirement or provision of any materiality such that the shortfall of 19,000 homes is eliminated. This indicates very strongly that the BCA will have to look to other solutions within the plan area. It is highly likely that a component of any solution will be higher density residential development. It is acknowledged that paragraph 3.14 states that:
- '...The BCA have identified and made effective and extensive use of brownfield and urban sites and have also undertaken density uplifts in relation to both existing and new allocations'.*
- However, it is considered that local policy needs to go further and the development strategy in policy HOU1 should acknowledge that higher density development outside of the Strategic Centres is likely to be a pre-requisite to delivery of sufficient housing to meeting local needs over the plan period.
- 5.5 The phased housing targets in Table 4 indicate an intended consistent rate of delivery across the 19 years covered by the Black Country Plan; meaning approximately 47% of net new homes being delivered in the period 2020-2029. Discussions are ongoing with neighbouring authorities under the 'Duty to Cooperate' regarding the ability of those administrative areas to contribute to meeting the BCA housing requirement. Neighbouring local authorities including Cannock Chase, Lichfield and South Staffordshire are currently reviewing development plan documents, to determine how much land they need to provide to meet their own housing and employment needs as well as potentially helping to meet the BCA needs.
- 5.6 There is good reason to expect that delivery out of area will be skewed to the latter stages of the Black Country Plan period, given that those neighbouring authorities will justifiably prioritise meeting their own housing requirements. This suggests that there is good reason to front-load the proportion of new homes delivered within the Black Country Plan area, where there is evidence that sites are available and deliverable.

Policy HOU2 – Housing Density, Type and Accessibility

- 5.7 Criterion 4 of policy HOU2 stipulates minimum expected net density for all developments of ten homes or more. 4(a) states that very high density of 100 dwellings per hectare or higher is subject to meeting accessibility standards and the site being located within a Strategic Centre or Town Centre. Given that the BCA are currently facing a housing shortfall of at least 25% against Government-assessment requirements, policy HOU2 and the supporting Table 5 should acknowledge that very high density development may also be appropriate within the defined Core Regeneration Areas, subject to accessibility standards and very high density not prejudicing historic character or local distinctiveness.
- 5.8 A table following paragraph 6.20 sets out a matrix of dwelling sizes by tenure, stating that *‘The Black Country Housing Market Assessment (HMA) 2021 demonstrates that new households generated by 2039 will need the following mix of home tenures and types’*. It continues that it is important for housing provision to reflect the varying needs for each of the four local authorities, as set out in the HMA. The supporting text to policy HOU2 should be explicit that the table which follows paragraph 6.20 is not setting an expected mix of home tenures and types for all development sites and all authority areas, rather it is presenting the assessed overall requirement for the Black Country Plan area. Policy HOU2 should be consistent with policy HOU3 and explicit that the dwelling mix and any mix of tenures will be site specific and subject to a consideration of local needs at the time of a proposed development coming forward.

Policy HOU3 – Delivering Affordable, Wheelchair Accessible and Self Build / Custom Build Housing

- 5.9 Supported is the acknowledgement in HOU3 (1) and HOU 3 (2) that the range of tenures to be provided and the proportion of any affordable housing should both be dependent upon an assessment of financial viability. HOU3 (3) effectively summarises a justifiable position that *‘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’*. However, the reference to a *‘minimum proportion of affordable housing’* to be provided is inconsistent with the earlier stance on viability and potentially ambiguous, given that there will be some sites where no affordable housing is financially viable. Paragraph 16 of the Framework sets out that development plan policy should be *‘...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals’*. The inconsistency between dependence upon financial viability and a minimum requirement falls short of being unambiguous. This element fails the test of soundness and is therefore inconsistent with the Framework.
- 5.10 A policy requirement for a minimum proportion of new housing be designed to meet M4(2)/M4(3) standards is unclear and ambiguous in the context of provision also being said to be dependent upon whether this is financially viable. This element fails the test of soundness and is therefore inconsistent with the Framework.
- 5.11 Clarity would be provided through reference to the optional NDSS. Framework paragraph 130(f) refers to creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In doing so, it references NDSS⁸ stating that:
- ‘Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified’.*
- 5.12 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. HOU3 (6) sets out that where there is a need for self-build and custom build plots identified in the self-build and custom

⁸ National Planning Policy Framework, July 2021 – footnote 49

build register (for the administrative area where a development site is located) at least 5% of plots should be made available for self-build or custom build, or sufficient to match the current number on the register if lower. HOU3 (6) does not acknowledge that site characteristics might justify self-build/custom build exemption, irrespective of whether there is a current register need. The potential exemption on viability or other grounds of sites from self-build/custom build requirements should be set out clearly in HOU3 (6).

6.0 Chapter 7: The Black Country Economy

Policy EMP1 – Providing for Economic Growth and Jobs

- 6.1 EMP1 (5) is concerned with the regeneration and renewal of existing employment areas:

‘Within the existing employment areas subject to Policies EMP2 and EMP3, and, as appropriate, the employment areas subject to Policy EMP4, the BCA will support, with public intervention as necessary, the regeneration and renewal of such areas, including their environmental enhancement and incorporation of sustainable measures and facilities, including circular economy approaches and their infrastructure, as well as their marketing and promotion, to enable the Black Country’s employment areas to be fit-for-purpose in the long term and aid in the economic recovery and rejuvenation of the sub-regional industrial economy’.

- 6.2 EMP1 should acknowledge that the housing policies of the Black Country Plan include existing/former employment sites/areas that are allocated for and transitioning to residential use. Some of these existing/former employment sites/areas being brought forward for housing will be alongside other employment areas being retained in employment use. EMP1 should set out that any proposals for the regeneration or renewal of existing employment areas will be considered in context of the potential impact on neighbouring land uses, both existing and proposed.

Policy EMP3 - Local Employment Areas

- 6.3 Supported is the inclusion of the clarification at EMP3 (3) that not all areas will be suitable for all uses. EMP3 should include specific reference to the fact that the housing policies of the Black Country Plan include existing/former employment sites/areas that are allocated for and transitioning to residential use. Some of these existing/former employment sites/areas being brought forward for housing will be alongside other employment areas being retained in employment use. EMP3 should set out that any proposals for new uses in local employment areas that require planning permission will be considered in context of the potential impact on neighbouring land uses, both existing and proposed.

7.0 Chapter 9: Transport

Policy TRAN7 Parking Management

- 7.1 TRAN7 (1c) references maximum parking standards and *'...ensuring that a consistent approach to maximum parking standards is enforced in new developments as set out in supplementary planning documents'*. The policy should also reference the Framework and its support for walking and cycling as set out at paragraph 106(d) where it is clear that planning policies should:
- '...provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)'.*
- 7.2 Paragraph 110 of the Framework continues, it should be ensured that *'...the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code'*⁹.
- 7.3 Whilst policy TRAN7 makes reference to *'...ensuring that a consistent approach to maximum parking standards is enforced in new development as set out in supplementary planning documents'*, paragraph 108 of the Framework states that:
- 'Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport'*

Policy TRAN8 Planning for Low Emission Vehicles

- 7.4 During 2019, the Department for Transport and Office for Zero Emission Vehicles (OZEV) ran a joint consultation on proposals to alter existing residential and non-residential building regulations to include provisions for electric vehicle charging points and associated infrastructure. Government outlined that:
- for proposed new residential buildings with more than 10 associated parking spaces, developers will need to ensure that ducting infrastructure is installed for every parking space;
 - for proposed non-residential buildings (and buildings undergoing a major renovation or a material change in use) with more than 10 parking spaces, developers will need to ensure that at least one chargepoint is installed and ensure that ducting infrastructure is installed for at least 1 in 5 parking spaces; and
 - from 2025, existing non-residential buildings with more than 20 parking spaces will need at least 1 chargepoint to be installed.
- 7.5 These changes are anticipated to be implemented largely through amendments to the Building Regulations 2010, and will be enacted through an Electric Vehicle Charging Points (New Buildings) Bill. The Bill passed its first reading in the Commons on 21 June 2021 and is scheduled for a second reading on 22 October 2021.
- 7.6 Vulcan is supportive of encouraging a move away from fossil fuels vehicles through the introduction of all-electric and hybrid alternatives, as part of the West Midlands Combined Authority commitment to setting a 'net zero' emissions target by 2041, with a climate action plan being approved by the WMCA board by January 2020. This is set to be achieved through the to be achieved through amendments to the Building Regulations 2010, which suggests that there is no explicit need for policy TRAN 8 given the forthcoming standardised approach through building regulations.
- 7.7 Policy TRAN 8 is also ambiguous in that it refers to new developments including adequate provision for charging infrastructure, without defining what adequate infrastructure means. Paragraph 16 of the Framework sets out that development plan policy should be *'...clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'*. The reference to adequate

⁹ National Planning Policy Framework, July 2021 – paragraph 110(c) and footnote 46

provision is without clarity. This element fails the test of soundness and is therefore inconsistent with the Framework.

8.0 Chapter 10: Environmental Transformation and Climate Change

Policy ENV3 – Nature Recovery Network and Biodiversity Net Gain

- 8.1 Paragraph 8 (c) of the Framework refers to improving biodiversity and paragraph 174 (d) to providing net gains for biodiversity. The Environment Bill, which is currently at its third reading in the House of Lords, refers to a biodiversity gain objective (the percentage specified is at least 10%) being the biodiversity value attributable to development (to which a biodiversity gain statement relates) and the extent to which this exceeds the pre-development biodiversity value of the onsite habitat by a percentage (specified in the statement). The draft policy working of ENV3 should take reference from the biodiversity wording in the Planning Act 2008 once the Environment Bill gains Royal Assent and changes are enacted.
- 8.2 The zones of the Local Nature Recovery Network as established by the Local Nature Recovery Network Strategy should form part of the Black Country Plan, and be justified alongside being identified on the proposal map. It is not clear whether the intention is that the Local Nature Recovery Network Strategy is to be brought forward as a supplementary planning document. The Planning Practice Guidance sets out the limitations of SPDs, which sit outside of development plan policy:

‘Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.’¹⁰

- 8.3 Care needs to be taken to ensure that policy ENV3 does not inadvertently erroneously place planning policy outside of the development plan, which would be contrary to the requirements of the Framework in terms of soundness.

Policy ENV4 – Provision, retention and protection of trees, woodlands and hedgerows

- 8.4 Policy ENV4 (10) includes a blanket statement that ‘Development should be designed around the need to incorporate trees already present on site, using sensitive and well-designed site layouts to maximise their retention’. 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, which says planning policies should ensure ‘...that existing trees are retained wherever possible’ (paragraph 131).
- 8.5 The policy also sets out at ENV4 (13) that ‘New developments should make a minimum contribution of 20% canopy cover across the development site and a recommended contribution of 30% canopy cover across the development site’. It is noted that this is based upon the *Emergency Tree Plan for the UK – The Woodland Trust 2020* but there is no basis in the Framework or Planning Practice Guidance for the introduction of blanket thresholds for canopy cover. The same observation is made in respect of ENV4 (18) and its requirement that ‘Trees proposed for removal during development should be replaced at a ratio of at least three for one’. 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.

Policy ENV 5 - Historic Character and Local Distinctiveness of the Black Country

- 8.6 Supported is the general thrust of Policy ENV5 to sustain and enhance locally distinctive character, preserve and enhance local character and those aspects of the historic environment - together with their settings - that are recognised as being of special historic, archaeological, architectural, landscape or townscape quality, and achieve a locally responsive design. Taking this to a more prescriptive level, policy ENV5 (4) sets out that ‘The specific pattern of settlements (urban grain), local vernacular and other precedents that contribute to local character and distinctiveness should be used to inform the form, scale, appearance, details, and materials of new development’. A development plan document

¹⁰ Paragraph: 008 Reference ID: 61-008-20190315 - Revision date: 15 03 2019

must be positively prepared (Framework, paragraph 35) providing a strategy which, as a minimum, seeks to meet the objectively assessed needs of an area. Whilst it is important to respect local character and distinctiveness, it is also true that the scale of development needed to address the housing and employment land requirements of the plan period means that there will almost certainly have to be higher density development that is in contrast with the form, scale and appearance of its immediate area. Policy ENV5 (4) should be redrafted to reflect the position of policy HOU 2 in terms of the need for higher density development in the Strategic Centres and arguably also in the Core Regeneration Areas as well.

Policy ENV7 – Canals

- 8.7 Policy ENV7 is positively written and fully supported the reference to the canal network being focus for future development through its ability to deliver a high-quality environment and enhanced accessibility for pedestrians, cyclists, and other non-car-based modes of transport. ENV3(d) refers to development proposals ‘...providing active frontage onto the canal’ and ‘...improving the public realm’. 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.

Policy ENV8 – Open Space, Sport and Recreation

- 8.8 Policy ENV8 (6) states that:

‘Where a housing development would increase the need for built sports facilities to the extent that significant new or improved facilities would be required to meet this need, proportionate planning obligations or Community Infrastructure Levy will be secured to help address this need, where this is financially viable and appropriate and long-term management arrangements can be secured and funded’.

- 8.9 The policy leaves open to interpretation the phrase ‘increase the need...to the extent that significant new or improved facilities would be required’. Given that the policy is clearly targeted at major development proposals, rather than requiring interpretation of whether significant new or improved facilities would be required, there is justification for including unit threshold above which a provision for improved built sports facilities would be required.

Policy ENV9 – Design Quality

- 8.10 The approach of the draft Black Country Plan to design quality should accord with the latest Framework guidance (paragraphs 126 to 136 inclusive of the July 2021 version). The draft policy should be clear about design expectations and how proposals will be tested against policy, having regard to national guidance and other material considerations. The references to the National Design Guide¹¹, Manual for Streets¹², NDSS¹³, Building for a Healthy Life¹⁴ and accordance with agent of change principles¹⁵ are noted but BCA should prepare design guides and/or design codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. If these are to follow as supplementary planning documents, given the reference to local housing design SPDs for new housing developments, then the draft development plan policy should be explicit in this regard.
- 8.11 In common with draft policy CSP4, draft policy ENV9 should provide clarity over how the BCA intend to proportionately apply any assessment frameworks, such as Building for a Healthy Life¹⁶, in the context of high-quality design and placemaking being central to the ambitions of the LEP and the WMCA

¹¹ MHCLG National Design Guide – published 1 October 2019/last updated 30 January 2021

¹² CIHT Manual for Streets (2007) and Manual for Streets 2 (2010)

¹³ MHCLG Technical housing standards – nationally described space standard published 27 March 2015

¹⁴ Birkbeck D and Kruczkowski S et al (2020) Building for a Healthy Life

¹⁵ National Planning Policy Framework, July 2020 – paragraph 187

¹⁶ Birkbeck D and Kruczkowski S et al (2020) Building for a Healthy Life

(paragraph 3.57). Paragraph 133 of the Framework sets out that assessment frameworks are *'...particularly important for significant projects such as large scale housing and mixed use developments'*. The Planning Practice Guidance (PPG) provides clarity on this, stating that:

*'Authorities may wish to refer to the use of specific frameworks in their policies or supplementary planning guidance that are most relevant to the vision for their area, although it is important to ensure that they are used in a proportionate way and do not conflict with national or local planning policy'*¹⁷.

- 8.12 Whilst justified for the largest-scale, strategic development sites, in the context of the guidance provided by the Framework and the PPG, such processes can introduce damaging additional costs and delay in the decision making process for smaller scale developments. It is important when setting out broad policies relating to high quality design (of both places and buildings) that thresholds are introduced such that it is clear and unambiguous which developments are to be subject to which requirements. Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- 8.13 Draft policy ENV9 also addresses water efficiency requiring that new development *'...meet water efficiency standards[59] of 110 litres per person per day, as set out in Part G2 of current Building Regulations 2010 or any successor legislation'*. The Planning Practice Guidance requirement is 125 litres per person per day¹⁸ unless a clear local need exists to justify the tighter Building Regulations optional requirement of 110 litres/person/day. Clear need is to be based upon: existing sources of evidence; consultations with the local water and sewerage company, the Environment Agency and catchment partnerships; and consideration of the impact on viability and housing supply of such a requirement. This element of policy ENV9 should be deleted as it renders the draft policy unsound unless clear need exists.

Policy CC1 – Increasing efficiency and resilience

- 8.14 The Framework sets out clear guidance on planning for climate change:
- '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 temperature'*¹⁹.
- 8.15 It continues that development plan 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. New development should be planned for in a way that avoids increased vulnerability, manages risks and makes best use of location, orientation and design. There is support for the use and supply of low carbon energy, including community-led initiatives.
- 8.16 Paragraph 157 of the Framework sets out that local planning authorities should expect new development to comply with any development plan policy on decentralised energy supplies, and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 8.17 Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. To provide clarity for applicants, Draft policy CC1 should include assessment criteria against which the local planning authority can determine whether a development is in compliance with its climate change and energy policies in the context of local requirements and site specific circumstances.
- 8.18 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

¹⁷ Paragraph: 018 Reference ID: 26-018-20191001- Revision date: 0110 2019

¹⁸ Paragraph 014 Reference ID: 56-014-20150327 – Revision date 27 03 2015

¹⁹ National Planning Policy Framework, July 2021 – paragraph 153

applied to individual development proposals. The possibly is arguably not sound in the absence of prescriptive, unambiguous assessment criteria.

Policy CC2 – Energy Infrastructure

8.19 Draft policy CC2 sets out that:

‘Any development including ten homes or more, or non-residential floorspace of 1,000 sq m or more must include opportunities for decentralised energy provision within the site, unless it can be demonstrated that the development is not suitable, feasible or viable for district heat or decentralised power networks’.

8.20 Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous. Draft policy CC2 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. Draft policy CC2 needs to provide clear direction in this regard. It is also without justification why the threshold for compliance is ten units/1,000 sq. m and why there are no further thresholds at greater unit numbers/floorspace, which would allow for proportionate consideration of proposals relative to scale. 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.

Policy CC3 – Managing Heat Risk

8.21 Preceding draft policy CC2 regarding energy infrastructure sets a minimum threshold for development proposals to which it applies, whereas policy CC3 is drafted such that it applies to all development proposals without distinction. 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.

8.22 Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous. Draft policy CC3 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. 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 managing in the most effective way heat risk from new development.

Policy CC4 – Air Quality

8.23 Paragraph 186 of the Framework sets out that planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking in account the presence of Air Quality Management Areas and Clear Air Zones, and the cumulative impacts from individual sites in local areas. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Paragraph 188 is clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes).

8.24 Draft policy CC4 includes a blanket statement that new development must be at least air quality neutral. This element of the draft policy does not reflect the Framework or the Planning Practice Guidance, in its blanket approach. The PPG sets out that plans may need to consider:

- what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;
- the impact of point sources of air pollution (pollution that originates from one place);

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;
- ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and
- opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement²⁰.

8.25 The PPG continues to explain that the test is the impact of proposed development and potential impact on future occupants:

- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and
- whether occupiers or users of the development could experience poor living conditions or health due to poor air quality²¹.

8.26 A requirement for development being air quality neutral is justified where there are sensitive receptors such that anything other than air quality neutral would be unacceptable or a proposed development would otherwise lead to a deterioration in existing poor air quality. For the policy to pass the test of soundness it should add criteria into its air quality neutral requirement, to set out on what basis such an expectation is justified and how an applicant might demonstrate the acceptability of a development in circumstances where such a requirement is justified.

Policy CC5 – Flood Risk

8.27 Draft policy CC5 (15) should be clear on what basis the proposed distance limitations on development proximate to an ordinary watercourse are derived, a 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.

Policy CC6 - Sustainable drainage and surface water management (SuDS)

8.28 Paragraph 169 of the Framework states that *‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate’*. The draft text to Policy CC6 states that *‘All new developments should incorporate SuDS and all development proposals should provide details of adoption, ongoing maintenance, and management of SuDS’*. The proposed requirement that all new development incorporate SuDS is inconsistent with the Framework and should be amended to meet the test of soundness. The Framework (paragraph 167 (c)) requirement that 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.

Policy CC7 – Renewable and Low Carbon Energy and BREEAM Standards

8.29 The supporting text to draft policy CC7 (paragraph 10.208) includes the caveat *‘...where financially viable’* to the requirement that major developments achieve a 19% carbon reduction improvement upon the requirements within Building Regulations Approved Document, Part L 2013. There will be reasons why some development cannot achieve 19% or there is a clear justification for it achieving a lesser carbon reduction. The policy text at CC7 (3a) does not include the same caveat, which it should do to ensure that there is consistency between the policy and supporting text and that the policy overall passes the test of soundness.

8.30 The support text (paragraph 10.210) also includes the caveat, in respect of all new development contributing towards renewable and low carbon energy generation, that this is where such a contribution is financially viable and feasible to implement. The draft policy text (at CC7 5a/5b)

²⁰ Paragraph: 002 Reference ID: 32-002-20191101- Revision date: 01 11 2019

²¹ Paragraph: 005 Reference ID: 32-005-20191101 - Revision date: 01 11 2019

establishes the same caveats, and the same consistency needs to be applied in respect of carbon reduction at CC7 (3a).

9.0 Chapter 11: Waste

Policy W5 – Resource Management and New Development

- 9.1 The requirements of policy W5 in respect of minimising waste in new development, re-use of materials following redevelopment and/or remediation and use of alternatives to primary aggregates in construction are couched in terms of as far as possible and wherever possible. Paragraph 16 of the Framework is clear that development plans should contain policies that are clearly written and unambiguous. Draft policy W5 should be redrafted with clear targets and the requirements of applicants providing justification for the approaches to waste management and the use construction materials in any given development project.

10.0 Sub-Areas and Site Allocations

Sandwell

- 10.1 The inclusion of Brades Road, Oldbury as a proposed site allocation (site reference: SAH229) is fully supported Vulcan Property II Limited for the reasons set out in the 4 August 2020 call for sites submission attached at **Appendix 1**. The 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.
- 10.2 Vulcan Property II Limited also fully supports the inclusion of adjoining land on Dudley Road East (site reference: SAH227) for the same reasons.
- 10.3 The estimated shortfall of 19,000 homes over the period to be covered by the Black Country Plan indicates very strongly that the BCA will have to look to high density solutions within the plan area beyond the Strategic Centres. The next logical locations are the Core Regeneration Areas. It is highly likely that a component of any solution to addressing the estimated shortfall will be higher density residential development in the Core Regeneration Areas including at Brades Road and Dudley Road East. It is acknowledged that paragraph 3.14 of the Black Country Plan states that ‘...The BCA have identified and made effective and extensive use of brownfield and urban sites and have also undertaken density uplifts in relation to both existing and new allocations’. However, local policy needs to go further and the proposes allocations at Brades Road and Dudley Road East should acknowledge that higher density development is likely to be a pre-requisite to delivery of sufficient housing to meeting local needs over the plan period. Brades Road offer particular potential for high density development to the canal frontage.
- 10.4 There is potential for Brades Road to come forward earlier in the plan period than 2032-2033 and justification for it being identified for delivery earlier in the housing trajectory. 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’ suggests very strongly that sites that are suitable and available should be identified as coming forward earlier in the housing trajectory, where there is potential for this to happen. There is good reason to expect that delivery out of area will be skewed to the latter stages of the Black Country Plan period, given that those neighbouring authorities will justifiably prioritise meeting their own housing requirements. This suggests that there is good reason to front-load the proportion of new homes delivered within the Black Country Plan area, where there is evidence that sites are available and deliverable.
- 10.5 Brades Road is potentially available in the shorter-term, and earlier delivery than 2032-2033 is possible.

Appendix 1: Call for Sites Submission

MADDOX PLANNING

LONDON & MANCHESTER

0845 121 1706

Black Country Plan Team
Regeneration & Enterprise
Dudley Council

04/08/2020

Black Country Plan: Call for Sites July/August 2020
Residential Opportunity Site: Brades Road, Oldbury, B69 2EP

Dear Black Country Plan Team

We write on behalf of our client Vulcan Property II Limited (Vulcan Property) in respect of the Black Country Local Plan (the Local Plan) July/August 2020 call for sites. We write to put forward a residential opportunity site at Brades Road, Oldbury.

The Brades Road site was not put forward to the previous call for sites that closed on 1 June 2019.

The below commentary provides preliminary justification for taking the site forward as an allocation within the Local Plan. This includes setting the site in context with its immediate surroundings, and the potential that exists for significant residential redevelopment of a wider site bounded by Brades Road, Dudley Road East and the Birmingham (Old Main Line) canal.

We anticipate expanding of the case for residential redevelopment at Brades Road, as the Local Plan progresses. We expect to engage with the draft Local Plan when this is published later this year for Regulation 18 consultation.

THE SITE

The 1.14 hectare site is shown in red on the attached location plan ref: 0869/01.

The site divides into three land parcels, the largest of which extends to some 0.45ha and is used by a vehicle hire business; a *sui generis* use. Of two smaller land parcels, a northern parcel is used for car parking associated with the vehicle hire business and a southern parcel is unused scrubland.

Vehicular and pedestrian access is from Brades Road to its east. There is currently no pedestrian access from the canal towpath to its west. The canal towpath is accessible at a point south of the site immediately north of Brades Bridge. There are no known public rights of way crossing the site.

The site is in flood zone 1 and it is located within an air quality management area. There are no listed buildings proximate to the site and it is not located within or adjacent to a conservation area. There are limited trees on site and at its boundaries, save for: the boundary with the canal; and the southern parcel, which is part covered by trees and shrubland. There are no known individual trees or groups subject to TPO.

The site is in an accessible location. Frequent bus services operate from Dudley Road East (A457) including to Dudley and Birmingham. Bus stops on Dudley Road East are a 2- 10 minutes' walk.

The site is within a mixed use area where residential and local employment uses predominate. There are residential properties to the east side of Brades Road and the site wraps around a number of existing dwellings and residential curtilages which front onto Brades Road. The site falls within a Regeneration Corridor (Regeneration Corridor 9 - Dudley Port/Tividale/Brades Village) as defined by the Sandwell Site Allocations and Delivery DPD of 2012 (the Site Allocations document).

The Site Allocations document identifies the site as a Local Employment Area (LEA). Paragraphs 14.3 and 14.4 of the document, in a section that deals specifically with Regeneration Corridor 9, state that:

'The corridor's tradition of employment will be maintained by the retention of significant areas of fit for purpose local employment land'.

'The environment will be significantly enhanced through the enrichment of green infrastructure throughout the corridor and the redevelopment of outdated and obsolete industrial sites'.

A key phrase within the Site Allocations reasoning on protection of LEAs is retention of *fit for purpose*.

There is no neighbourhood plan relevant to the site.

There are no local development orders or Article 4 directions affecting the site.

POTENTIAL WIDER RESIDENTIAL OPPORTUNITY SITE

Maddox Planning is not currently instructed by its client Vulcan Property II Limited to put forward, as a residential opportunity area, any site beyond that identified in red on the attached located plan (ref: 0869/01).

There is however clear potential for a wider site which is currently designated as an LEA, alongside properties fronting Dudley Road East that fall outside of the LEA designation, to be considered as a residential allocation in the Local Plan. This wider area is shown in blue on the attached location plan ref: 0869/01.

Residential redevelopment of the wider designated LEA, including the site put forward in this submission and including the Dudley Road East frontage, offers potential for the considered residential redevelopment during the Local Plan period of a site that is currently not comprehensively in active or efficient employment use and is evidently well suited to residential-led urban intervention and regeneration.

As preparation of the Local Plan progresses, Maddox Planning may be instructed to expand further upon the potential of a wider residential opportunity area.

THE CASE FOR A RESIDENTIAL ALLOCATION

Policy CSP1 (The Growth Network) of the Black Country Core Strategy, 2011 (the Core Strategy) highlights the common roles of Regeneration Corridors, of which the site is part of, are to:

'provide a sustainable mix of modern, strategic high quality employment land and new residential communities well supported by community services and local shops, set within and linked by comprehensive networks of attractive green infrastructure with cycling and pedestrian routes.'

The Brades Road site is within Regeneration Corridor 9 - Dudley Port/Tividale/Brades Village as defined by the Site Allocations document. Reading the Core Strategy and Site Allocations document together, it is taken that the wider LEA site that includes the Brades Road site put forward was never considered to be, or considered to have the potential to be, modern, strategic high quality employment land. Indeed, this would be an unrealistic proposition for a site that is poorly related in context with the major existing and emerging strategic employment areas of the Black Country including those to the north, south and east of Oldbury. The wider area to the west and north west of Oldbury is characterised by mixed uses but is more residential in nature. There is a clear opportunity to further residential focus locally by including the submitted site as a residential allocation.

It is also an important consideration that the site not in an employment use. It is understood that the site has operated as a *sui generis* vehicle hire centre since at least 1990.

It is put forward that the site, alongside the wider area subject to LEA designation, is better suited across the Local Plan period to residential redevelopment. This would bring about clear economic, environmental and social benefits to the local area. There would be clear consistency in this with the wider Black Country Local Plan strategy were it to be included in the development plan as a residential allocation and subsequently brought forward as a residential-led regeneration opportunity.

There is an opportunity to bring about significant environmental improvement locally, including to the Brades Road frontage. Residential redevelopment of the site would offer potential to open it up to the canal, with mutual benefits to future residents and users of the existing canal towpath route.

THE POLICY LANDSCAPE

The starting point for considering future employment land requirements and supply is the current development plan and specifically the policy approach of the adopted Core Strategy and the 2009 employment land assessment evidence base that informs it. The evidence base was prepared over a decade ago but remains the most up to date comprehensive employment land evidence base for the Black Country area. It is understood and appreciated that the Black Country local planning authorities have regularly updated the findings of the 2009 assessment and reference below is made to the Urban Capacity Review of December 2019. Reference is also made to The Black Country Economic Development Needs Assessment (EDNA) of 2017. It is however only once the Black Country EDNA Stage 2 and the Black Country Employment Area Review (BEAR) are published alongside the draft Black Country Local Plan, and thereafter scrutinised as part of the plan making process, that a full evidence base informing a new employment strategy will be in place.

Policies EMP1 to EMP4 of the Core Strategy set out the intended approach to maintaining a sufficient stock of employment land whilst allowing for other land to come forward for alternative use. The Core Strategy sets out an intention that over 1,000ha of the poorest quality employment land will be redeveloped to meet a significant proportion the housing requirement over the plan period, while still providing a sufficient stock of retained land to accommodate a forecast level of job growth.

Paragraph 4.16 of the supporting text to policy EMP3 (Local Quality Employment Areas) states that:

'Local Employment Areas are often most vulnerable to pressure for redevelopment to other uses such as housing. However, the loss of too much local employment land will compromise the Strategy. It would inhibit economic development, endanger the viability of businesses and affect the balance of jobs and workers, so workers would have to travel increased distances to work and the viability of firms would be put at risk. In many instances, these areas will also be appropriate to accommodate firms who wish to relocate from housing growth

areas, or from the strategic high quality employment areas as a result of redevelopment or rising land values. The Strategy anticipates that land will come forward for development within local employment areas as part of the recycling process.'

Policy EMP3 acknowledges that land will come forward for development within LEAs as part of the recycling process, and it was always the intention that some of this recycling will be to non-employment uses.

A table within the policy text of EMP3 sets out Black Country local employment land targets to 2026. This details an anticipated Black Country-wide reduction in local employment land from over 3,000 ha to less than 1,300 ha; putting the poorest quality employment land to alternative uses.

In Sandwell, the reduction planned for was from over 1,000ha to less than 400ha.

Policy EMP 1 (Employment Land Development Sites) of the Site Allocations document sets out that *Employment Land Development Sites* will be safeguarded for Class B1 (b) and (c), B2 and B8 employment use. Policy EMP1 of the Site Allocations document does not explicitly refer to local employment land (rather it specifically refers to development sites) but the supporting text at paragraph 5.4 suggests that policy EMP 1 does apply:

'Within this total stock, the BCCS defines four categories of land to be safeguarded for employment purposes and sets indicative targets for each. These land targets and the supply provided by the SAD DPD are indicated on SAD DPD Table 1 - Employment Land Supply. These areas are subject to the BCCS policies listed... (in the Site Allocations document).'

Turning to housing provision, Core Strategy Policy HOU1 (Delivering Sustainable Housing Growth) details the strategy for accommodating housing needs. Reference is made to this, albeit it is now considerably out of date. Policy HOU1 identifies that sufficient land will be provided to deliver at least 63,000 net new Black Country homes over the period 2006 – 2026; we are nearly into the final quarter of that period. It sets out that the majority of the requirement will be met through committed sites and the phased allocation of sites within defined regeneration corridors (such as corridor 9), in strategic centres, and through the redevelopment where appropriate of free-standing employment sites. Policy HOU1 identifies the housing land supply (2006-26) contribution from Sandwell regeneration corridor 9 to be 5,320 dwellings over the plan period from 2016-26.

The above employment land commentary demonstrates an intention to retain local employment land which is considered to be fit for purpose, and safeguard employment land development sites for B Class uses, but release land to other uses where it is demonstrably no longer fit for purpose.

The Brades Road site put forward is neither an employment land development site or a site that is currently in employment use. It is arguably no longer fit for purpose as an employment site. Significant areas of local employment land, as recorded in a 2009 assessment of employment sites that informs the Core Strategy, are identified as appropriate for redevelopment. Whilst the Site Allocations proposals map identifies the subject site to be worthy of retention as part of an LEA, it is not currently in employment use, has not been in employment use for some considerable time and its geographic isolation from principal employment areas elsewhere in the Borough and across the wider Black Country calls into question any case for its continued identification as part of an LEA.

The employment evidence base informing the Core Strategy and Site Allocations document is a decade old, and it is right to turn to updates of this evidence base and more recent evidence gathered to inform the forthcoming Local Plan; albeit identified above is that further releases are required as part of the Local Plan process for a comprehensive evidence base to be in place.

The Black Country Economic Development Needs Assessment (EDNA) of 2017 and subsequent updates recommend that the Black Country Local Plan should, rather than rationalise employment land, plan for up to

870 ha of additional land, to meet the assessed needs of the Black Country for the period 2016 to 2038. This includes advice to protect the existing supply of industrial land in order to meet future needs that will arise from a high growth driven economy. This is in stark contrast to the stance of the Core Strategy and the most recent (2009) assessment of employment land that was undertaken to inform its preparation.

The Urban Capacity Review of December 2019 explains that:

'Evidence presented in the Issues and Options Report to support the Black Country Plan review highlights that, in recent years, rather than a surplus of employment land across the Black Country, there is now a need for a net increase in employment land over the new Plan period. This could require the retention of more of the existing employment land that might have been expected previously to be released for housing'. (paragraph 2.1.31)

The 2019 Review continues that:

'The BEAR is based on detailed fieldwork and engagement with occupiers and landowners to establish their current intentions for employment sites and future business needs'. (paragraph 2.1.32)

Publication of this detailed fieldwork and engagement, alongside a further update addressing current economic circumstances surrounding BREXIT and the COVID-19 pandemic, are pre-requisites to a full interrogation of likely demand for employment land over the Local Plan Period and the extent to which there is future potential supply to meet that need.

Turning to housing land supply, the 2019 Review sets out a position that of 372ha of employment land included (for residential redevelopment) in the 2018 SHLAA housing supply, 207ha should be retained as employment land having regard to the EDNA/BEAR projections on employment land requirements. This could result in former employment sites Black Country-wide contributing over 7,000 fewer homes, with 89 of 145 sites earmarked for residential redevelopment retained in employment use.

The 2019 Review identifies that the overall gap between housing supply and need, over the new Black Country Plan period up to 2038, has grown to 29,288 homes.

There are clearly significant issues for the emerging Local Plan to grapple with, given that the Black Country area is clearly subject to a significant shortfall in requisite land/sites to meet both employment land and housing requirements for the plan period. A call for sites exercise is not the right moment for a forensic interrogation of assessed housing and employment land requirements, and the methodologies adopted to arrive at the conclusions on requirements. However, it is evidently clear that if the Local Plan is to have any chance of meeting likely employment land and housing requirements then the most efficient and appropriate use of all available and potentially available land is a pre-requisite. An employment site that is inefficiently used (and in the case of the Brades Road site put forward not in Class B employment use) and that is poorly located in the context of its performance as a future modern business/industrial location must be considered as a potential housing site. To maintain employment land protection for sites that perform poorly against employment land criteria is illogical and clearly without justification in the face of a Black Country-wide shortfall on housing supply of approaching 30,000 homes.

The most recent assessment of local housing need for Sandwell sets a requirement of 28,044 net new homes over this period. A Strategic Housing Land Availability Assessment (SHLAA) (5 Year Housing Land Supply 2018/2019 Update) advises that current deliverable sites have an anticipated yield of 2,998 units. This is significantly below the local housing need of 8,856 over the five years to 2022/2023 (a 7,380 requirement plus 20% buffer applied as per the housing delivery test). Over the period to 2019-2019, the SHLAA provides for 7,534 homes. This illustrates that there is not currently a sufficient supply of land required to meet local housing need of 14,760 for the ten year period, or to keep up with the rate required to deliver the longer term Core

Strategy local housing need. The SHLAA provides for 10,412 homes over the period to 2038, a shortfall of 17,632 homes.

The housing land supply issues across the Black Country area are contributed to significantly by a shortfall in provision for new homes in the Sandwell administrative area.

CONCLUSION

Preparation of the emerging Local Plan requires addressing and ameliorating mutually independent evidence on significant requirements for additional employment and housing land over the plan period, with an as yet undetermined way in which to satisfy both demands. If the Local Plan is to have any chance of meeting both employment land and housing requirements, whatever those requirements are ultimately determined to be, then the most efficient and appropriate use of all available and potentially available land is a pre-requisite. An employment site that is inefficiently used (and in the case of the site put forward at Brades Road not in Class B employment use) and that is poorly located to perform well as a future modern business/industrial location must be considered as a potential housing site.

On behalf of our client, Vulcan Property II Limited, we put forward the site at Brades Road, as shown on the attached location plan, as a housing opportunity site.

Furthermore, on behalf of our client, we reserve the right to withdraw, amend our add to these submissions made in response to the call for sites exercise. Our client equally intends to fully engage with the forthcoming consultation on the Local Plan and specifically its proposed provisions for employment and housing land supply over the plan period.

Yours sincerely

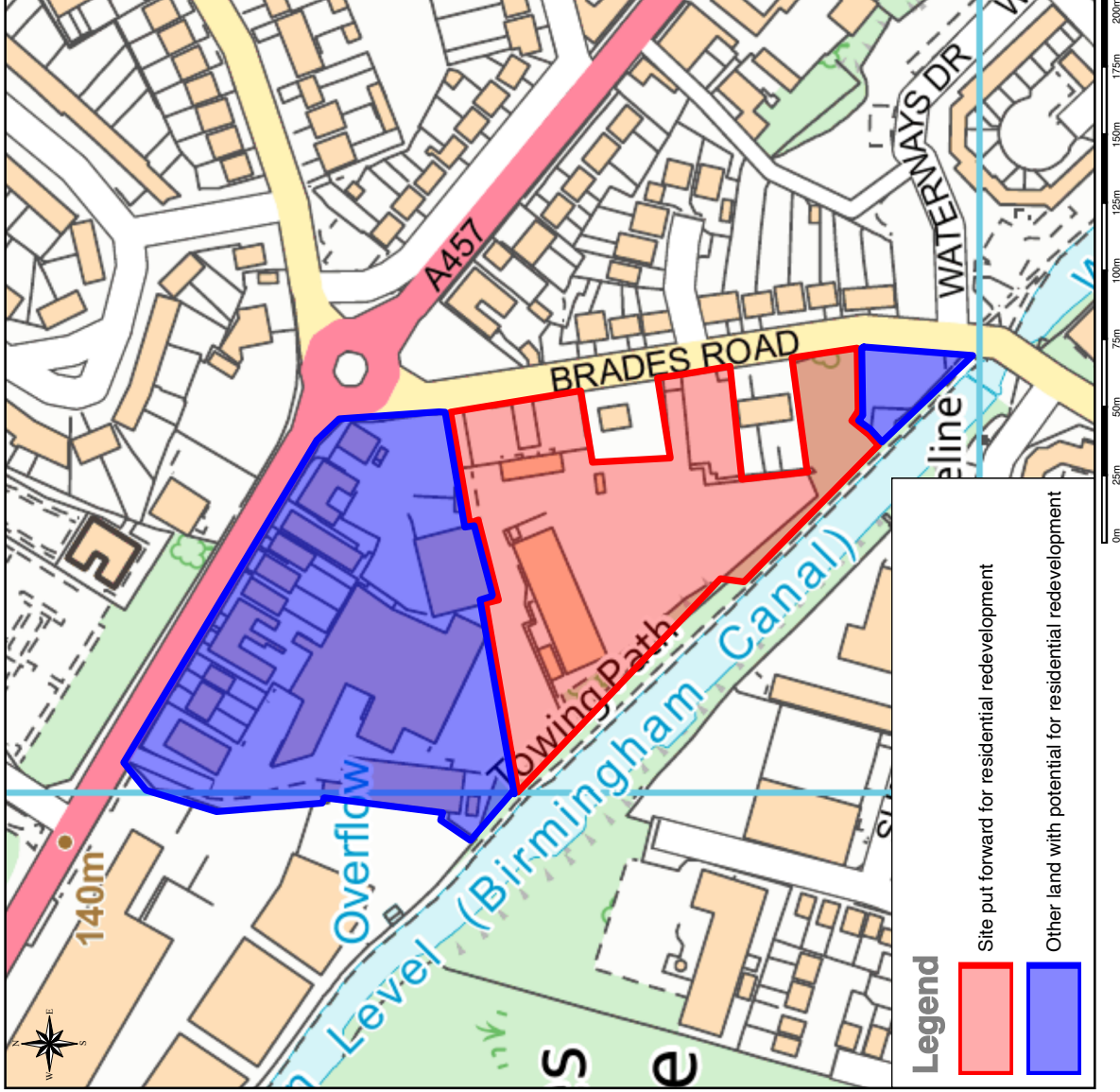


Stephen Morgan-Hyland
Planning Director

t: 
e: 

cc: G Pearson-Gregory, G Thomas - Vulcan Property II Limited

Black Country Plan Call for Sites 2020



MADDOX
P L A N N I N G

0869/01

Vulcan Property II Limited, Brades Road, Oldbury, B69 2EP

(Other land with potential for residential redevelopment subject to third party interests and site assembly)

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Prepared by: David Maddox, 15-08-2020