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BY EMAIL

To Whom it May Concern,

SANDWELL LOCAL PLAN REGULATION 18 CONSULTATION: SOHO FOUNDRY AND MINT, SMETHWICK

On behalf of Chance Heritage Trust ('CHT'), Iceni submit representations to the Draft Regulation 18 Sandwell Local Plan Consultation in respect of the Soho Foundry and Mint, Smethwick (referred to as 'the site', identified in Figure 1 below).

CHT aims to enrich the community of Sandwell through the restoration and protection of buildings and assets of cultural and heritage importance and aims to provide the advancement of education concerning the social, economic and architectural history and heritage of the buildings in the area. The overarching vision of the Trust is to regenerate two significant sites within Sandwell, the Soho Foundry and Mint, and the Chance Glassworks, which are subject of two separate representations. Their aim is to protect and celebrate the highly significant industrial heritage of the area and to act as a beacon of hope and create a new vibrant, urban community generating employment, training, learning and leisure opportunities for all.

The Soho Foundry and Mint hold pivotal historical importance to Sandwell, the United Kingdom, and the world. It was established in 1775 as the world's first purpose-built steam engine manufactory and was first gas lit factory in the world. Today, the Soho Foundry is one of a handful of Foundry's which survive today, however, the Grade II* Listed Buildings are presently on the Heritage at Risk register, which necessitates an urgent positive policy response to ensure their restoration and use. Chance Heritage Trust wish to stress that the maintenance, up-keep and restoration of the site can only be achieved if it is technically feasible and financially possible to do so. Furthermore, it relies on funding which may be jeopardised if the allocation does not support a mix of uses.

Whilst there are some technical constraints to bring the Site forward for regeneration, it must be acknowledged that the negatives of not bringing the Site forward, such as decay of significant heritage assets, are too significant for inaction. The CHT have previously signed a Memorandum of Understanding with the Council, to support the regeneration of the Chance Glassworks and Soho Foundry sites. This demonstrates the commitment at a senior Council level to the regeneration of these important sites. Unfortunately, this commitment to restore these significant heritage assets at the Soho Foundry does not seem to be reflected in the emerging Local Plan.

CHT consider that the proposed employment allocation in the draft Local Plan does not provide sufficient flexibility to bring about the regeneration of the site and a bespoke and flexible policy allocation to realise the potential of the site should be provided in the emerging Local Plan to celebrate the heritage assets and uphold the heritage aims identified in Chapter 16 of the National Planning Policy Framework (NPPF).

As outlined below, the adopted policy has not worked in bringing about the regeneration of these assets, and the proposed draft policy would be more restrictive and less favourable, potentially significantly limiting the deliverability of the site. The Council must recognise that a shift in policy is imperative to thwart the ongoing decay to safeguard this unique site for future generations.

To make the Soho Foundry regeneration project feasible and deliverable, the site should be afforded a bespoke allocation for flexible uses which is not limited by the industrial development of the wider site.

CHT are considering several options comprising a mixture of leisure, tourism, education and conference facilities, along with employment. This aligns with the Sandwell Regeneration Strategy 2022-2027 which identifies Soho Foundry as a priority location to be “revived for modern uses”, with an expected delivery date of 2027.

This letter outlines the site and its surroundings, provides an overview of the emerging proposals for its redevelopment, and then responds to several of the Policies within the consultation document relevant to the regeneration of the site.

Figure 1: Soho Foundry and Mint site, Smethwick



a. Site Context

The Soho Foundry and Mint is located on Foundry Lane in Smethwick, close to the canal/railway line. The Foundry was constructed in 1775 for the manufacture of steam engines and was of pivotal importance to the industrial revolution and evolution of mass production techniques. It was closely associated with the pioneering endeavours of Boulton, Watt and Murdoch and subsequently the site became the home to a new mint building in 1860. Both the Foundry and Mint are Grade II* listed buildings. Whilst the Foundry and Mint buildings are now unused and have a temporary roof covering to protect their structures, the wider site was acquired by W&T Avery in 1895 who continue to operate from the adjoining buildings.

In terms of designations, the site comprises a Scheduled Monument by virtue of the significant areas of archaeological survival that are known to still exist within the site, including the bases of up to six furnaces and associated major tunnels and flues. The site also contains two listed structures - the Former Soho Foundry at Grade II* level, and the Towpath Bridge at Grade II. The listed buildings are in varying states of deterioration and disrepair (included on the Heritage at Risk Register 2023) which needs to be arrested imminently to avoid irreparable damage being sustained. The site is part of the Black Country UNESCO Global Geopark, designated in 2020 in recognition of the international importance of its natural and cultural heritage which helped to shape the industrial revolution and the world.

The site is highly significant nationally and internationally for:

- Becoming the first purpose-built steam engine manufactory in the world.
- Being the first factory to be lit by gas.
- Its association with Boulton and Watt.
- Its association with the Soho Manufactory.
- Its involvement in the development of steamships.
- The great surviving documentation of the Soho archive in Birmingham Library.
- The site's rarity, with so much historic fabric having already been demolished.

Incredibly, few foundries from this era survive, making the Soho Foundry rare and of major national and international importance. Working buildings usually need to adapt to new requirements and so tend to be heavily altered, demolished or in recent times converted to new uses. It is thought that only a dozen or so surviving foundries have been surveyed across Britain. Therefore, the specialness of Soho Foundry is in part attached to its rarity as a type, as well as its significance to the history of human technological advancement at a key turning point. The site therefore presents a once in a generation opportunity for Sandwell to deliver a sensitive, heritage-led, mixed-use regeneration which will bring these significant heritage assets, of international importance, back into use, but this can only be achieved if the right planning policy position is provided.

Given the exceptional heritage value of the site and the state of the current assets, the site would need to be restored and which will require a substantial investment of finances and time to bring it into this use. Furthermore, it is important to note that Chance Heritage Trust are reliant on funding which may be jeopardised if the allocation does not support flexible uses as it would significantly hinder the public enjoyment of the assets.

Recent employment development on the site includes the Avery Weigh-Tronix building/s, which are traditional warehouse/manufacturing in style.

The site is not in any flood risk area, although some small parts of the site are vulnerable to surface water flooding. There are no Tree Protection Orders on the site, and the site is not subject to any ecological designations.

b. Adopted Policy Considerations

At present, the site is allocated in the Sandwell Site Allocations and Development Management Plan (2012) for mixed-use development, to include an element of housing. The site is also allocated in the Smethwick Area Action Plan (2008) for 'primarily industrial (B1 uses) but with potential to include elements of Community, Leisure and Educational uses' under Policy SME8. In the adopted Smethwick Area action plan, the supporting text to Policy SME8 states:

- The restoration proposal of the site should be comprehensive and not phased.

- The potential for additional community, leisure and educational uses is recognised as a way to re-use of Soho Foundry.
- Development of this site will also promote more usage of the canalside which may necessitate a commuted sum for improvement to the canal infrastructure.
- The allocation for B1 uses sought to improve the environmental quality of the area by removing heavy industrial operations.
- The mixed use allocation has been extended onto land currently occupied by Dunn's to enable a more comprehensive development to come forward should this use relocate in the future.
- Some Community and/or Leisure uses may be considered appropriate for the building as well as educational facilities to highlight the importance of the historic site and buildings and to act as a catalyst for future development.

This mixed-use allocation was proposed to be retained by the Draft Black Country Plan (now abandoned), within the Sandwell Central Core Regeneration Area. Whilst the site was also proposed to be allocated as a Local Employment Area under draft Policy EMP3, which may have appeared to restrict the uses permissible on the site to employment or waste related uses, the virtue of the mixed-use allocation would enable other uses to come forward to support the regeneration of the heritage assets on the site.

c. Proposed Use

The site is ideally suited for mixed-use development, occupying an accessible location close to employment centres within the District, along the canal. CHT considers that the delivery of employment and/or leisure, tourism, education or conference facilities, or a mix of all these types of development, could unlock the heritage regeneration of these assets and provide an important contribution to Sandwell that would become a celebrated community facility, that will bring activity and a sense of place and life to the area.

Detailed proposals will be formulated in due course, taking account of a thorough study of the site's constraints and opportunities, and having regard to a wide range of forthcoming technical work to support the emerging plans for this site. CHT are in the early stages of preparing detailed proposals for submission as part of a future planning application and will undertake extensive consultation and seek to work closely with the Council, statutory consultees and other stakeholders to ensure that the final proposals are entirely acceptable with regard to all relevant considerations.

An Options Appraisal has been undertaken, to consider which mix of uses is the most suitable in enabling the site to come forward for development. This has considered the following four options:

- Option 1 – retention of industrial uses.
- Option 2 – an activity centre, making use of larger industrial spaces for various indoor activities and entertainment such as a roller rink, skate park and indoor climbing centre.
- Option 3 – exhibitions spaces, rentable office/ workshop space and outlets combined with dining and entertainments facilities.
- Option 4 – varying conference facilities including large banquet halls, theatres, exhibition halls and catering facilities.

In this regard, it will clearly be important that any future allocation and policy relating to this site is sufficiently flexible to enable the emerging proposals to be duly formulated as the masterplanning exercise progresses, having regard to technical advice and with input from and collaboration with relevant stakeholders as appropriate.

d. Response to Sandwell Local Plan

It appears from the Draft Sandwell Local Plan that the mixed-use allocation of the site is being dropped and the site will only retain a Local Employment Area allocation. This could be catastrophic to the regeneration of the heritage assets on the site, which require a flexible and adaptive policy position to support the most appropriate regeneration approach to the heritage assets.

The CHT therefore request further consideration into the Local Employment Area in this location and request that the Local Employment Area wash over be removed from the Soho Foundry and Mint parts of the site (area outlined in red in Figure 1 below). It is recommended that a site specific mixed-use allocation and policy is included for area identified in red, that allows for flexibility and enabling uses to be explored, to ensure these important heritage assets are brought back to life, as outlined below.

Policy SEC3 – Local Employment Areas

The site forms part of the Foundry Lane (south) SEC3 Local Employment Area Allocation. Accordingly, under this proposed policy, only industrial uses, and ancillary uses which support the LEA's function, will be supported in the LEA.

The rationale for this policy is stated in the supporting text. It notes that LEAs play an important role in the local economy as they offer a source of mainly low-cost industrial units. The supporting text notes that one of the key characteristics of LEAs is *“a critical mass of active industrial and service uses and premises that are fit for purpose”*.

The financial feasibility of restoring the heritage assets on the site is significantly compromised within the framework of this allocation, as it is tailored more for generic industrial spaces, trade, haulage or logistics related uses and doesn't recognise the unique circumstances of the site. Currently, the heritage assets on the site are not in active industrial use and the restoration of the assets for these uses is not the optimal viable use, nor are these uses suitable for the existing buildings and structures on the site, and are likely to jeopardise the funding available to CHT and/or others to deliver the restoration and regeneration works.

The Council's own site assessment report of the March 2023 states *“it is accepted that the future of the site is somewhat dependent on introducing a high quality, **mixed use, heritage led**, regeneration programme”*, however, this assessment has not been reflected in the proposed policy position in the Draft Local Plan, as Policy SEC3 only allows for more traditional industrial uses. This represents a significant potential policy hurdle and blocker to the regeneration aims and objectives of this site, and does not accord with Paragraph 190 and Chapter 16 of the NPPF, which requires Plans to *“set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk of neglect, decay and other threats. This strategy should take into account a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation...”*

Without the retention of the mixed-use allocation and/or the provision of a site specific allocation to support alternative, viable, feasible and most optimal use of these buildings, the site is likely to remain vacant, rundown and closed to the public. CHT, a trust which is driven by the protection, restoration, and celebration of the Soho Foundry buildings, consider that the inclusion of the site within the wider employment allocation would render it undeliverable, and provides a significant barrier to the restoration of the site.

If the site remains in a predominantly industrial allocation, CHT may have no choice but to abandon the site, which begs the question as to whether a commercial developer or industrial business will be willing to take on this financial cost and afford equal priority to the history and celebration of these assets. CHT agree that some employment uses could form part of the mix of uses proposed, but if the policy position is overly restrictive, as currently set out in the Reg 18 Local Plan, then it is likely that funding availability to restore the site will be limited.

Policy SEC3 Response – Site specific allocation

To facilitate the regeneration of the site, it is essential to carve out a specific site allocation that caters solely and explicitly to the Soho Foundry buildings, so it is viable and not hinged upon the wider industrial-led regeneration of the area. This bespoke allocation should provide the flexibility needed to explore a range of uses that align with heritage-led regeneration, enabling CHT to achieve its mission without the constraints imposed by the Policy SEC3 framework

There is a clear policy rationale at the national level for a new approach to be considered in the next Local Plan. Paragraph 122 of the NPPF emphasises the need for planning policies to reflect changes in demand for land. Given the prolonged lack of progress under the existing policy, it is prudent to reassess and reallocate the land for a more deliverable use. The proposed draft policy hinders the ability of the site to be restored and fulfil alternative needs, including the restoration and celebration of unique heritage assets of national value.

The rationale for a bespoke application is also supported by NPPF Paragraph 206, which outlines the importance of seeking opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. In the case of the Soho Foundry buildings, their status as a heritage asset is indisputable, and therefore supports the Council's rationale to explore opportunities that can increase their significance.

The Soho Foundry buildings, being part of a Conservation Area, require a nuanced strategy that goes beyond a generic allocation for industrial redevelopment. A bespoke allocation would allow for careful consideration of the heritage significance and a tailored approach to development, ensuring that the setting is preserved and, where possible, improved to better reveal the historical importance of the site. Moreover, unlike industrial uses, the alternative uses proposed in this representation would make the buildings open to the public which would promote their significance.

Overall, there is a clear rationale for the site to be removed from Policy Allocation SEC3 and granted a bespoke allocation which better reflects the circumstances of the site.

Policy SHE1 – Listed Buildings and Conservation Areas

Among the several aims of Policy SHE1, point 6 recognises the need for flexibility and exploration of alternative uses for heritage-led developments, particularly when such uses contribute to the preservation and enhancement of heritage assets. This indicates that the alternative uses proposed in this representation could be supported by the Council, however, as the site is designated under Policy SEC3, development of the site is restricted to industrial uses indicating that there is an inherent policy conflict for the site.

For the reasons outlined in the previous section, CHT consider that the existing allocation on the site fails to recognise the unique circumstances of the site. To reflect the aspirations of Policy SHE1, a bespoke allocation should be provided in the emerging Local Plan to enable adaptive reuse options to be explored so that the historic asset can be preserved whilst remaining financially viable.

To address this inherent conflict, there is a pressing need for the site to be removed from policy allocation SEC3 and for the site to have its own bespoke allocation, which would allow for the exploration of alternative uses under the principles outlined in Policy SHE1. This would result in a more balanced approach that not only preserves and enhances the unique heritage embodied by the Soho Foundry buildings, but also make it deliverable within the plan period.

Policy SDS2 – Regeneration in Sandwell

Another Policy potentially at odds with Policy SEC3 is Policy SDS2, which also covers the site. Policy SDS2 designates Regeneration Areas as the primary focus for new development, regeneration, and investment. The site specifically is located within the Smethwick to Birmingham Canal Corridor Regeneration Area, where Policy SDS2 promotes “new green neighbourhoods on re-purposed employment land and accessible active travel routes.”

CHT support Policy SDS2 and consider that the Soho Foundry would be a prime opportunity to meet this aim. The site is located along the Canal Corridor and contains exceptionally significant buildings

which are capable of promoting the area's unique history and provide significant community facilities for the public. The site could also be safely accessed by pedestrians from the canal, promoting active travel along this route. Despite this, the inclusion of the site within Policy SEC3 will mean that the restoration of the site would be restricted to industrial uses, which would work against the aspiration to create green neighbourhoods using re-purposed employment land and therefore strongly hinder the public enjoyment of these assets. **Therefore, the site should be removed from Policy Allocation SEC3 and a bespoke allocation which supports flexible uses included within the emerging Local Plan if the regeneration aims of Policy SDS2 are to be achieved.**

Policy SWA2 – Waste sites and adjoining Employment Land

The Soho Foundry site neighbours an established recycling facility, allocated under Policy SWA2, known as Simm's Metals. The allocation of this waste facility and the surrounding employment land, for waste and continued employment uses represents a significant missed opportunity to redevelop all the land bound by Foundry Lane, the B4136 and the canal as a wider heritage-led regeneration scheme. It is recommended that the Council considers options for the wider regeneration of this area.

e. Conclusion

In conclusion, the representations put forth by CHT underscore the unique challenges and opportunities associated with the Soho Foundry and Mint site. The Grade II* listed buildings and rich industrial heritage of the site demand a tailored approach that goes beyond the industrial use constraints of proposed Policy SEC3.

Rather than perpetuate the historical ineffectiveness of the prior allocation, a fresh approach is needed to realise the restoration of site, in accordance with Paragraph 122 of the NPPF. The site has significant potential not only to meet the Council's heritage aims (under Policy SHE1), but also create a substantial regeneration opportunity (in accordance with Policy SDS2). However, without the removal of the site from allocation SEC3 and the granting of a bespoke site specific and flexible allocation which reflects the unique circumstances of the site, this will never be achieved.

CHT believe that the site could potentially accommodate a range of business, tourism and leisure uses that would foster the public enjoyment of these assets. Further technical work will be prepared in due course to bring forward masterplan proposals for the site.

CHT would like to work with the planning policy team and relevant consultees in this process to ensure a suitable solution is found, which supports the heritage regeneration aspirations of the Trust.

We trust these comments will be taken into consideration and afforded the appropriate level of weight in the next stages of the draft Local Plan. We would be grateful if you could keep us informed on progress of the draft Local Plan, including any further stages of consultation. Should you have any queries in relation to these comments, please do not hesitate to contact me on

my colleague Nick Pellegram on

Yours sincerely,

Katie Inglis
ASSOCIATE DIRECTOR