

Historic England comments on Regulation 18 Sandwell Local Plan, 18 December 2023

Table 1 – Historic England comments

Area of Plan	Historic England comments
Para 72	Consider re-phrasing and celebrating the industrial heritage of the area and how that has shaped the local identity of the area.
Para 73	Amend to 'Registered Parks and Gardens'. Consider amending heritage conservation areas to conservation areas and the setting of heritage assets or something similar. Heritage assets themselves are 'irreplaceable' and should be conserved and protected and the Local Plan to provide a 'positive strategy' for this. Their need to be protected is more than a recognition of their past use but as how heritage has shaped our identity and how they continue to remain relevant today and can contribute positively to the economy and social wellbeing. It would be useful in this section if heritage can also be referenced as a component of landscape.
Page 29	Ambition 1 would benefit from a reference to the historic environment and recognising the benefits the historic environment can bring to a community and an area. Ambition 2 would benefit from a reference to the historic environment and recognising the benefits the historic environment can bring to a community and wellbeing. Would be worthwhile to check through the ambitions to consider where the historic environment would best be suited.
Page 33/34	We support the vision and the reference to heritage within it. We would welcome a reference to a wider variety of heritage such as heritage landscape/ archaeology etc. rather than a narrower definition of built heritage.
Objective 4/5	We are very supportive of specific objectives that seek to protect the historic environment. We would welcome a reference to heritage landscape and features and ensuring the wide range of historic environment is fully reflected and considered within the Plan.
Objective 15	We support the reference to heritage within this objective.
Para 2.18	We support this paragraph.
Para 2.30 clause C	We support this clause.

Policy SDS1 clause j	This could be amended to read conserve and enhance the significance of the historic environment, heritage assets and their settings through xxx to ensure that it is the significance of heritage assets that is being considered and protected through the policy text.
Policy SDS2	This policy would benefit from reference to the historic nature of the area and its heritage assets and how conserving the historic environment will be a benefit for the regeneration of the area. It would also be useful to reference the Wednesbury High Street Action Zone during the text regarding regeneration in Sandwell and the benefit of heritage led regeneration programmes. This would help meet the aims of the Plan mentioned earlier in the text. We note a brief reference in paragraph 3.42.
Policy SDS3 clause a) i)	We would request re-phrasing of this clause as sites submitted during a Call for Sites exercise will not necessarily be suitable for development. We would request that this is also re-phrased in any other policies that this statement may appear.
d)	Could make reference to the historic environment.
Policy SDS4 Clause 2)	We support this reference and recommend additional detail in the Plan on how this can be achieved.
Clause 3)	Confusing wording, we would request that this is amended yet we support the principle that the significance of heritage assets including their setting will be protected and it would benefit from a clearer form of words. Also consider re-wording paragraph 3.61.
Clause 9)	Historic England are available to engage in this work.
Policy SDS5 clause 11)	We support the reference to heritage tourism and welcome its inclusion in the policy, as well as in the justification paragraphs.
Section on Green and Blue Infrastructure from page 74 onwards	We would welcome a reference to the historic environment as a component of green and blue infrastructure and the role heritage plays in this area. If you have any questions we are happy to answer.
Policy SDS7	We would request a clause to be included in this policy regarding the historic environment and its function within Green/ Blue Infrastructure.
Policy SNE4	We welcome a policy on the UNESCO Geopark and recognition of the important cultural heritage of the area and the contribution it has made in historical terms. Clause 1) consider re-phrasing to ensure that the significance of the asset and its integrity is fully protected and conserved for future generations.
Policy SNE5	This policy would benefit from strengthening the reference to the historic environment context of the area, including non designated heritage assets and heritage features as well as the heritage components of landscape.

Policy SNE6	We support the recognition of the historic nature of canals as heritage assets/ role within the wider cultural heritage agenda and welcome reference within the policy and justification text in this area.
Section 4, from page 113	We welcome a specific section on the historic environment and specific policies for the historic environment. We welcome the introductory paragraphs to the interesting, rich and varied history of the Black Country and the need to protect this and the value placed on heritage led regeneration.
Para 4.114	Consider the wording in this paragraph and also needs reference to the setting of heritage assets as well as an understanding of the context in which they are in and any relationships they may have with other heritage assets within the area/ heritage landscapes etc. When considering a suite of policies for the historic environment, it is important to ensure that all the policies are consistent and that all assets are fully supported.
SHE1	We welcome the inclusion of this policy. We would request that there are some amendments to the wording to ensure it is compliant with the National Planning Policy Framework (NPPF), paragraphs 199 to 205 particularly. Heritage assets are an 'irreplaceable resource' and efforts should be made to ensure that the significance of heritage assets, including their setting are protected. The policy wording in clause 1 and 2 can be strengthened to reflect this. The wording in clause 3 is welcome and we are supportive of the need for Heritage Impact Assessment. The assessment should also set out the level of harm, how harm can be avoided or mitigated against and any opportunities for enhancement. Clause 4, setting in itself is not a heritage asset but it should be included within the section on significance and can still be a reason for refusal where the setting contributes to the significance of an asset, but will be affected by proposed development. Recording the loss of any heritage asset/ features on the Historic Environment Record (HER) would also be beneficial to include within this policy. Consider the wording for clause 5 to ensure the protection of a Conservation Area. We would recommend deleting clause 6. Paragraph 4.121 relates to this paragraph also.
SHE2	Similar to comments above, ensure that the policy is NPPF compliant and that it seeks to protect and conserve the historic environment and sets out where applications will be refused. As referenced the historic environment is an 'irreplaceable resource' and the NPPF sets out clearly how to deal with harm and how if necessary to apply the tests of harm. Clause 1 for example requests that heritage informs proposals and is considered; there should be a clause that states that harm to heritage will be refused unless xx. Again, clause 2 refers to the need to inform proposals which is beneficial, yet there needs to be wording inserted to prevent harm to the historic environment and conserve their significance, including setting. Where 'historic assets' are referenced this should be amended to state 'heritage assets'.

	Clause 3, heritage assets should be protected as set out in the NPPF and relevant legislation. Clause 5, delete 'aim'. The policy wording should be strengthened to ensure that heritage assets are protected and conserved in Sandwell. The examples used are useful and provide a context for the type of heritage within the Borough; it would be beneficial to ensure that this describes some examples only and reference the relevant heritage evidence base that prospective developers will need to consider in full. It would be beneficial to have a clause that relates to the need for appropriate qualified individuals undertaking assessment work, that the Historic Environment Record should be considered as a minimum, that views analysis is a useful tool to consider in the wider process etc. for all proposals which could affect heritage.
Para 4.123	Delete 'ancient'. It would be useful to provide some additional information about what a heritage impact assessment could include.
SHE3	Consider referring to significance generally in this clause. It would be useful to have a link to the Sandwell Local List. We are supportive of a Local List and welcome this.
SHE4	Considering re-phrasing the opening clause to ensure that the significance of archaeological heritage assets are protected and where possible enhanced. Development proposals which cause harm to heritage assets should be refused unless the specifications set out in the NPPF are met. We consider that the wording should reflect this. There also needs to be consideration of non designated archaeology that could be of national significance. Ensure that heritage assets are referred to in line with the relevant clauses of Section 16 of the NPPF. A separate clause for archaeological investigation would be useful and to set out how it applies to heritage assets. Any archaeological investigation should be carried out by an appropriate and qualified professional and a programme of works agreed by the Council's archaeology officer. A separate clause for recording would be beneficial. Clause 5 we would anticipate that all relevant information would be provided for the Council to assess the level of harm and to then make an informed decision within the context of the requirements of the NPPF.
4.133/34	Additional information would be beneficial.

	Consider re-ordering the policies to have a historic environment policy first, and then specific policies on asset type, where relevant.
Section 5	Historic England are supportive of a section on Climate Change within the Plan. We enclose a link to some relevant publications considering the historic environment and climate change that may be useful to understand in the context of the Local Plan. https://historicengland.org.uk/advice/climate-change/ Under this section it would be useful to consider how the historic environment can contribute to the climate change agenda, which measures are appropriate in the context of the historic environment and how heritage assets need to be considered. There may also be times when climate change proposals such as solar farms or wind turbines may not be an appropriate solution if it affects the significance of heritage assets and other areas may be more suitable for this technology.
Policy SCC1	We welcome clause j). It could relate to heritage assets more widely.
Policy SCC2	Clause 4 is useful. It may need to be stated that development which causes harm will be resisted or other solutions sought.
Policy SCC3	Clause 2, consider the potential impacts for the historic nature of canals and ensure that this is protected and conserved.
Policy SCC4	It would be useful to incorporate a clause on the historic environment within this policy and the specific considerations for the historic environment.
Policy SCC5	It would be useful to incorporate a clause on the historic environment within this policy and the specific considerations for the historic environment.
Policy SCC6	We would recommend re-phrasing to state protects the significance of the historic environment, heritage assets including their setting or similar wording.
Policy SHW4	We support the reference to heritage within clause 8.
Policy SH01	We have not been able to comment on the specific housing proposals at this time, we will consider these in the new year and would welcome a meeting with the Council to understand how the historic environment has been considered. If there are any proposed allocations which could cause harm to the significance of heritage assets, including their setting, we would expect to see heritage impact assessment.

Policy SHO2	Clause 2) c amend to will not cause harm to the significance of heritage assets, including their setting or similar.
Policy SH010	We have not had the opportunity at this time to comment on the site allocations specifically. We would request that any proposed allocations consider the impact on the historic environment and ensure that where there is harm for the historic environment that an appropriate heritage impact assessment is available as an evidence base to support a proposed allocation.
Policy SEC1	We have not been able to comment on the specific employment proposals at this time, we will consider these in the new year and would welcome a meeting with the Council to understand how the historic environment has been considered. If there are any proposed allocations which could cause harm to the significance of heritage assets, including their setting, we would expect to see heritage impact assessment.
Policy SEC2	We have not been able to comment on the specific employment proposals at this time, we will consider these in the new year and would welcome a meeting with the Council to understand how the historic environment has been considered. If there are any proposed allocations which could cause harm to the significance of heritage assets, including their setting, we would expect to see heritage impact assessment.
Policy SEC3	We have not been able to comment on the specific employment proposals at this time, we will consider these in the new year and would welcome a meeting with the Council to understand how the historic environment has been considered. If there are any proposed allocations which could cause harm to the significance of heritage assets, including their setting, we would expect to see heritage impact assessment.
Policy SCE1	This policy would benefit from a clause relating to the historic environment, heritage led regeneration, heritage led public realm improvements, information relating to shop fronts and design within heritage centres and conservation areas and reference to Wednesbury High Street Heritage Action Zone and other potential opportunities.
Para 9.161	Are there any proposals within the Plan to address this?
Para 9.283 onwards	We welcome the inclusion of this section in the Plan. Are there any tools or opportunities from this project that could be replicated elsewhere in the Borough?
Policy SWB1	This policy would benefit from a clause on the historic environment.
Policy STR1	How has the historic environment been considered in the process of highlighting transport infrastructure needs? Have any assessments been undertaken about the potential for harm to heritage assets, as a result of proposed transport initiatives?
Policy STR2	Comments above apply.
Policy STR6	Is there any information available at present about potential park and ride sites?
Policy SWA1	We would recommend re-phrasing clause 3) f to ensure that the policy protects the significance of heritage assets including their setting and inappropriate waste developments will be resisted. The policy may further benefit from some additional text on this issue in the reasoned justification text.
Policy SWA3	We have not been able to comment on specific proposed waste sites at this time. We will assess these in the new year and would welcome a meeting with the Council to discuss proposed allocations and any impacts these may have on the historic environment.

	If any proposed allocations could impact on the historic environment, we would expect to see a heritage impact assessment as evidence base.
Policy SWA4	This policy would benefit from a clause on the historic environment.
Policy SMI1	Are there minerals sites that are being proposed for allocation or safeguarding? If so, how has the historic environment been considered in this process?
Policy SMI2	Clause 5) b should set out an approach for what happens if a mineral working site is not appropriate due to the harm to the historic environment or if there are mitigation measures required to overcome any harm. The clause for cumulative impacts could also apply for the historic environment where there are already approved mineral workings in a historic landscape. The policy would benefit from a clause on remediation so that the long term future of any minerals working site is appropriate in its environment.
Para 13.012	This para would benefit from additional detail.
SDM1	Clause g) we welcome reference to the historic environment within this policy and would request that 'historic assets' are amended to 'heritage assets' and that the significance of heritage assets including their settings are protected and where possible, enhanced.
Policy SDM3	Does the Council have any evidence base relating to tall buildings and which has been/ could be used to inform locations which may be appropriate or may not be appropriate for tall buildings? We have concerns about the impact of this policy on the historic environment and the historic nature of the area and are keen to understand if there is more information available at this time that has considered these issues? With reference to both tall buildings and gateway sites, we are unclear what has informed the policy and what the policy is seeking to achieve.
Policy SDM5	It would be useful to include a section on the historic environment and what is appropriate in the context of heritage assets including conservation areas and listed buildings.