

## Sandwell Local Plan – Regulation Publication Consultation Form

### Regulation 19 Publication Consultation

We are inviting your views on the Regulation 19 Sandwell Local Plan and this form should be used to make comments in response to this consultation.

The consultation period begins on **Monday 23rd September 2024** and ends at **5pm** on **Monday 11th November 2024**

Comments can also be submitted online using our website at <https://sandwell.oc2.uk/>. We would encourage you to respond to our Sandwell Local Plan – Regulation 19 Publication consultation using our online form as it saves time and reduces cost.

However, if you prefer, you can use this version of the response form and email it to [Sandwell\\_LocalPlan@sandwell.gov.uk](mailto:Sandwell_LocalPlan@sandwell.gov.uk) or post it to Sandwell Local Plan, Planning Policy, Sandwell Council House, Freeth Street, Oldbury, B69 3DE.

**PLEASE NOTE:**

This form has two parts:

- Section 1: Personal details
- Section 2: Your representation/comments on the Draft Plan or Sustainability Appraisal
- Section 3: A declaration which you will need to read and sign

1. Please complete a separate response for each part of the Reg 19 Plan / Sustainability Appraisal that you wish to comment on. If you wish to make comments on more than two parts, please copy and paste the text in Section 2 or complete more than one paper form.
2. Responses must include your name and address.
3. **Your comments cannot be treated as confidential.** By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. Further paper copies can be provided by emailing [Sandwell\\_LocalPlan@sandwell.gov.uk](mailto:Sandwell_LocalPlan@sandwell.gov.uk)
6. Completed forms should be received by us no later than **5pm on 11 November 2024**

**For official use only:**

Respondent No:		Representation Number:	
Date Received:			

## Section 1- Your Details

	1. Personal details	2. Agent's details (if applicable)
<b>Title</b>	Miss	
<b>First name</b>	Ellen	
<b>Last Name</b>	Moore	
<b>Job Title (where relevant)</b>	Associate Town Planner	
<b>Organisation (where relevant)</b>	NHS Property Services Ltd ('NHSPS')	
<b>House No./Street</b>	10 South Colonnade, Canary Wharf	
<b>Town</b>	London	
<b>Post Code</b>	E14 4PU	
<b>Telephone Number</b>		
<b>Email address</b>	town.planning@property.nhs.uk	

**Notes:**

1. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal Details column, only the title, name and organisation boxes are necessary.
2. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.

Please indicate which of this best describes you / your role in responding to this consultation			
Resident or Individual	<input type="checkbox"/>	Local Authority	<input type="checkbox"/>
Planning Agent or Consultant	<input type="checkbox"/>	Public service provider e.g. education establishment, health etc	<input checked="" type="checkbox"/>
Developer or Investor	<input type="checkbox"/>	Public agency / organisation	<input type="checkbox"/>
Landowner	<input type="checkbox"/>	Community or Organisation	<input type="checkbox"/>
Business	<input type="checkbox"/>	Charity	<input type="checkbox"/>
Land & Property Agent or Surveyor	<input type="checkbox"/>	Other (please specify in space below)	<input type="checkbox"/>

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Sandwell Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

<b>For official use only:</b>			
Respondent No:	<input type="text"/>	Representation Number:	<input type="text"/>
Date Received:	<input type="text"/>		<input type="text"/>

## Section 2: Your Representation / Comments

Please complete a separate copy of this section for each part of the document(s) you wish to comment on (i.e. Local Plan or Sustainability Appraisal)

<b>Title of document you are commenting on</b>	Local Plan
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To which part of the document do your comments relate? Please state the policy number, Sandwell Local Plan reference number, paragraph number, page number or figure number

Paragraph  Policy  Policies Map

### 2. Do you consider the Local Plan is:

2.1 Legally compliant      Yes       No

2.2 Sound      Yes       No

2.3 Appear at the Examination      Yes       No

### Please provide your comment below:

5. Please give details in the box below of why you consider the Regulation 19 Publication Sandwell Local Plan is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19 Publication Sandwell Local Plan please set this out below.

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Draft Policy SCC1 sets out that in exceptional circumstances and as a last resort where it is demonstrably unfeasible to achieve a provision of on-site renewable electricity generation equivalent to 39% of regulated energy demand, any shortfall in on-site renewable energy generation that does not match that 39% target is to be offset via S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site.

The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

NHSPS considers Draft Policy SCC1 sound as currently drafted.

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Paragraph  Policy  Policies Map

**3. Do you consider the Local Plan is:**

3.1 Legally compliant      Yes       No

3.2 Sound      Yes       No

3.3 Appear at the Examination      Yes       No

**Please provide your comment below:**

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Draft Policy SHW1 sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for a full Health Impact Assessment for developments of 100 or more dwellings or non-residential development that extends to 5,000sqm or more, and a rapid Health Impact Assessment for developments of 20 to 100 dwellings or non-residential development that extends from 1,000 - 5,000sqm. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS considers Policy SHW1 sound as currently drafted.

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**4. Do you consider the Local Plan is:**

4.1 Legally compliant      Yes       No

4.2 Sound      Yes       No

4.3 Appear at the Examination      Yes       No

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Part 2 of Draft Policy SHW2 seeks to protect existing healthcare infrastructure unless it has been demonstrated that the loss or partial loss of a facility or site arises from a wider public service transformation plan. NHSPS welcomes the amends made to Part 2 following the Regulation 18 consultation. This will ensure the NHS has flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area.

Part 3 of Draft Policy SHW2 states that proposals for major residential developments of ten units or more must be assessed against the capacity of existing healthcare facilities and / or services as set out in local development documents. Where the demand generated by the residents of the new development would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such services, in line with the requirements and calculation methods set out in local development documents. Part 5 sets out that in the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, however, any contribution will be used to support offsite provision of healthcare infrastructure and / or related services.

NHSPS welcomes the wording of Draft Policy SHW2 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SHW2 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SID1.

Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose-built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

Comments on the Infrastructure Delivery Plan (Part 1 Nov 2023 and Part 2 Aug 2024) (as part of the Evidence Base)

The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. A sound IDP must include sufficient detail to provide clarity around the healthcare infrastructure required to the level of growth proposed by the Plan, and to ensure that both planning obligations and the capital allocation process for the Community Infrastructure Levy (CIL) effectively support and result in capital funding towards delivery of the required infrastructure.

We welcome the engagement undertaken to date with the ICB as acknowledged in section 4.3 of the IDP (Part 1, 2023) and the detailed analysis of the potential impacts of new development on the proposed site allocations which has revealed specific areas of need (Section 3.4, Part 2, 2024).

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To ensure that any mitigation options secured align with NHS requirements we suggest the following process (set out in red text below) for determining the appropriate form of contribution for the provision of healthcare infrastructure associated with new development is included in the IDP:

*The requirement for a contribution towards healthcare infrastructure from new development will be determined by working with the ICB and other key stakeholders as appropriate, in accordance with the following process:*

- *Assessing the level and type of demand generated by the proposal.*
- *Working with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.*
- *Identifying appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.*
- *Identifying the appropriate form of developer contributions.*

Comments on the Local Plan Viability Assessment (Sep 2023, with addendum Nov 2024) (as part of the Evidence Base)

The draft policy requirements identified in the Plan are supported by the Local Plan Viability Assessment. Having reviewed the Assessment, we note that it includes a specific allowance for S106 contributions towards health of £3,107 per home applied to typologies over 10 units.

Healthcare facilities are currently experiencing significant strain. If appropriate mitigation is not secured, the growth strategy outlined in the Plan is expected to exacerbate this situation. Without prejudice to any future representations the NHS or its partners may make on specific planning applications with respect to S106 obligations or applications for CIL funding, in our view the S106 contribution allowance towards health is generally sufficient to enable suitable financial contributions to be secured for healthcare. Therefore, we consider that overall the assessment of plan-wide viability demonstrates that policy requirements in relation to healthcare infrastructure contributions are deliverable. This would also ensure that healthcare mitigation is appropriately weighted when evaluating the potential planning obligations necessary to mitigate the full impact of a development.

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Paragraph  Policy  Policies Map

**5. Do you consider the Local Plan is:**

5.1 Legally compliant                      Yes                       No

5.2 Sound                                      Yes                       No

5.3 Appear at the Examination      Yes                       No

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Whilst NHSPS considers Draft Policy SHO4 to be sound as currently drafted, as part of preparing additional guidance to inform detailed delivery of this policy, we suggest the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).
- Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

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**6. Do you consider the Local Plan is:**

6.1 Legally compliant      Yes       No

6.2 Sound      Yes       No

6.3 Appear at the Examination      Yes       No

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Draft Policy SID1 Part 1 states that all new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.

Part 2 states that unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy / Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.

NHSPS welcomes the wording of Draft Policy SID1 and considers the policy to be sound as currently drafted. Whilst we consider Draft Policy SID1 to be sound as currently drafted, we request that the Council continue its engagement with the NHS ICB to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the Infrastructure Delivery Plan (IDP), prior to submission. Further comments on IDP are provided below. This aligns with our response to Draft Policy SHW2.

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## Section 4: Declaration

### How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet. To understand more about why we collect your information, what we do with your information, how you can access your information, your personal information rights, how and to whom to raise a complaint about your information, please visit our privacy notice page at <http://www.sandwell.gov.uk/privacynotices>

Please sign and date this form. Forms signed electronically will be accepted.

### Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

Signature:



Date: 05/11/2024

I understand that in submitting my representations, that my details will be added to the Sandwell Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ('GDPR'). If you do not wish to be contacted further, please advise us.

<input type="checkbox"/>	No, I do not wish to be contacted about the Local Plan
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**Thank you for taking time to complete and return this response form.**

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Date Received:			