

Ms Philippa Smith
Planning Policy
Sandwell Metropolitan Borough Council
Council House
Freeth Street
Oldbury
S69 3DE

Date: 5 November 2024

Our ref: SV/2023/112100

By email: Sandwell_localPlan@sandwell.gov.uk

Dear Philippa and team

Sandwell Local Plan – Regulation 19 Consultation

Comments from the Environment Agency

Thank you for notifying us of your consultation on the Regulation 19 Publication Plan on 23 September 2024. We note the subsequent email of 8 October 2024 extending the consultation period to 11 November 2024.

We commented on the Regulation 18 draft Local Plan consultation in January 2024. Subsequently, we issued comments on the Level 1 Strategic Flood Risk Assessment draft version of June 2024 on 16 August 2024. The Council's Phase 2 Water Cycle Study dated September 2024 has been reviewed during this current consultation.

Enclosed with this letter are our six representations on the Publication Plan. We would be grateful if you could acknowledge the receipt of our representations. These are listed as follows with our overall position in brackets:

- EA1 - Sequential Test (Unsound)
- EA2 - L2SFRA (Unsound)
- EA3 - SCC5 FloodRisk (Unsound)
- EA4 - SNE2 Habitats (Unsound)
- EA5 - SH09 (Sound)
- EA6 - SDS8 (Sound)

We found the Phase 2 Water Cycle Study acceptable. Much more could have been made to promote water quality using the recommendations from this study, however, on balance, there are a range of policies which will help address water quality (policies SDS8, SDS2, SCC5 and SCC6). We are also generally supportive of policies SCC1, SCC6 and SDM2 for their policy requirements for climate change and achieving water efficiency and reducing mains water consumption.

The lack of evidence demonstrating the flood risk sequential test and the absence of a level 2 SFRA to support sites proposed in areas at risk of flooding has resulted in us finding the publication plan (and sustainability appraisal) unsound on these elements. The removal of text from policy SCC5 since the last consultation has resulted in a soundness objection. To clarify, in the absence of the relevant tick box on the representation form, we are willing to attend the examination on these representations. We are happy to meet with you to discuss these representations in more detail and agree a way forward. Please note this may be subject to our cost recovery planning advice service.

We look forward to working with you prior to submission of the Local Plan. If you have any questions in the meantime, please do not hesitate to contact me

Yours sincerely

Keira Murphy
Planning Specialist, West Midlands Sustainable Places

Email: westmidsplanning@environment-agency.gov.uk

Environment Agency, Mance House, Arthur Drive, Kidderminster, DY11 7RA

Encs.