

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 4th 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 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
6. Completed forms should be received by us no later than **5pm on 4 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)
Title		Miss
First name		Lauren
Last Name		Bishop
Job Title (where relevant)		Planner
Organisation (where relevant)	Churchill Living and McCarthy & Stone	Planning Issues
House No./Street		Churchill House, Parkside
Town		Ringwood
Post Code		BH24 3SG
Telephone Number		
Email address		

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		Local Authority	
Planning Agent or Consultant	/	Public service provider e.g. education establishment, health etc	
Developer or Investor		Public agency /organisation	
Landowner		Community or Organisation	
Business		Charity	
Land & Property Agent or Surveyor		Other (please specify in space below)	

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.

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Date Received:			

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)

Title of document you are commenting on

Local Plan

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

SCC1

Policies
Map

2. Do you consider the Local Plan is:

2.1 Legally compliant

Yes

No

2.2 Sound

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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The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions is commendable and detailed at length in the justification to Policy SCC1.

The policy requires somewhat stringent targets in meeting this reduction in carbon emissions. However, these requirements are arguably lost within the proposed wording of the policy, with 9 separate Churchtages set out.

Having reviewed the Local Plan Viability Assessment report dated November 2023, it is clear to see that the requirements as set out in Policy SCC1 of the Regulation 19 document have not been appropriately assessed.

The policy stipulates in Section 1 a) there must be a 63% improvement on the Part L Target Emissions Rate (TER), however Section 1 c) also denotes that a variation of reductions must be complied with dependent on the housing type, for example flats/apartments are required to show a 24% reduction on Part L TFEE (Target Fabric First Energy Efficiency). Neither of these requirements have been tested in the viability assessment.

This is taken further in Section 4 a) with a requirement of achieving, at a minimum, 39% of all energy being taken from onsite renewable electricity generation in addition to the requirement of Section 1 described above. Section 8 of Policy SCC1 must also be questioned. As per the wording of the policy, it requires for large scale developments (50+ units) must submit an outline plan for the implementation of total energy use and renewable energy generation values, alongside the Energy Statement already required as part of the policy. It is assumed that this will be monitored for 5 years post completion via condition, however this is not clearly set out.

Finally, section 9 of the policy identifies if the policy requirements are unviable then applicants will be expected to prioritise and deliver the fabric efficiency improvements set out in Section 1 of the policy. This is also reflected in Section 4 c) which identifies if not feasible or viable, then the greatest extent feasible must be demonstrated in the energy statement.

We consider this policy to be contrary to PPG guidance which requires the viability of policy to be undertaken during the plan making process, of which in this instance has not been undertaken. We would respectfully like to remind the council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that

"The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan" (Paragraph: 002 Reference ID: 10-002-20190509).

Therefore, as the requirements stipulated within the wording of Policy SCC1 have not been tested appropriately within the Viability Report (2023), we must consider the Local Plan to be unsound on the grounds the renewable energy targets are not justified, positively prepared or effective.

Additionally, and as already highlighted, the older persons housing typology has been found to be unviable even without applying the costs associated with draft Policy SCC1. Is it therefore inappropriate to levy these additional costs on a form of development which already struggles to achieve viable outcomes. Neither Churchill Living or McCarthy Stone have a significant presence in the area but given the identified housing demand, would actively seek to develop in the area where opportunities arise. The imposition of this proposed policy together with other S106 requirements as drafted is likely to severely restrict each company's ability to develop older persons housing schemes in Sandwell.

RECOMMENDATION

We request that an appropriate review is undertaken as part of a revised Viability Assessment and that the requirements of the Policy SCC1 are costed within this. Within this viability assessment we recommend that this is run for sheltered and extra-care housing including the costs of implementing Policy SCC1. If it is the case that specialist accommodation for older persons, specifically sheltered housing/retirement living and extra care housing, is unable to meet the stringent requirements of emerging Policy SCC1 on the grounds that it is unviable, then we would strongly recommend that this exemption is added into the wording of Policy SCC1.

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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:Planning Issues Ltd.....

Date:11/11/2024.....

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.

	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:			