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Your Ref

Our Ref CRTR-POL-2024-43006

Monday 11 November 2024

**Dear Andy Miller - Strategic Planning & Transportation Manager,
Sandwell Local Plan Regulation 19 Consultation**

Thank you for your consultation on the above document.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Canal & River Trust (the Trust) is a statutory consultee in the Development Management process, and as such we welcome the opportunity to input into planning policy related matters to ensure that our waterways are protected, safeguarded and enhanced within an appropriate policy framework.

Our waterways should and is acknowledged within the policy document as significant blue/green infrastructure, which can serve as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; and, a contributor to water supply and transfer, drainage and flood management. The waterway network forms part of the historic environment, the character, cultural and social focus of the district of Sandwell and wider Black Country area.

The Trust commented at length on the preceding Regulation 18 version of the Sandwell Local Plan under our reference CRTR-POL-2023-40430, dated 18th December 2023. Based on the documents and information now available at Regulation 19 stage and a comparison exercise with their Regulation 18 counterparts, the Trust has the following **general observations and advice**.

Context: Sandwell's canal network and its significance

The Trust reiterates previous advice that, "*The Trust's waterways and water spaces form a key part of blue and green infrastructure in Sandwell. Within the district we own and manage stretches of several canals, including the Birmingham New and Old Mainline Canals, Titford Canal, Gower Branch Canal, Walsall Canal, Ridgacre Canal, and the Tame Valley Canal. We also own land and properties within the district. Specifically, Sandwell includes 25 Canals, 14 Aqueducts, 91 Bridges, 54.01 km of Canal length, 70 Listed Assets, 28 Locks, 2 Tunnels and no reservoirs.*

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The canal network has been central to the development of Sandwell and the wider Black Country and Birmingham region from the very beginning of the industrial revolution and remains core to the regeneration aspirations of Sandwell – our waterways are one of the borough’s most important historic features and the canal network is engrained into the area’s character, historic environment, and cultural identity.

Waterways are acknowledged as significant green infrastructure, but they also function as blue infrastructure, serving as a catalyst for regeneration; a sustainable travel resource for commuting and leisure; a natural health service acting as blue gyms and supporting physical and healthy outdoor activity; an ecological and biodiversity resource; a tourism, cultural, sport, leisure and recreation resource; a heritage landscape; and, a contributor to water supply and transfer, drainage and flood management. The waterway network forms part of the historic environment, the character, cultural and social focus of the locality.”

We draw further reference to population and towpath counter data previously supplied, and for added clarity offer the following updates:

	I don't have access to a garden	I have access to a private communal garden	I have access to a private garden	I have access to a private outdoor space but not a garden (balcony, yard, patio area)
Sandwell	12.86%	5.95%	79.60%	1.59%
Sandwell (NOT w/in 1km)	12.88%	9.79%	76.59%	0.75%
Sandwell (w/in 1km)	12.83%	0.00%	84.28%	2.90%

1. Sandwell 2041: Spatial Vision, Priorities and Objectives

The Trust has no further additions to make to its Regulation 18 observations.

2. Spatial Strategy

The Trust maintains its endorsement of the ‘key issues addressed in the SLP’ but repeats its request that our canal network be included within Figure 2 - Sandwell Spatial Map so that the contribution our network makes towards the delivery of Sandwell’s Spatial Strategy and overall Sandwell Local Plan Vision 2041 can be fully appreciated and realised by citizens and developers alike.

3. Development Strategy

The Trust continues to welcome the retention and enhancement of a canal-specific policy (Policy SNE6) within the Regulation 19 Sandwell Local Plan and as such does not seek the addition of replica canal-specific wording within every other relevant policy wording within the Plan. Cross-referencing to Canal Policy SNE6 however is encouraged where applicable.

We note the inclusion of ‘blue-green infrastructure’ within Policy SDS1 (e) – Spatial Strategy for Sandwell and welcome the retention of canal-related content within the now renumbered Policy SDS3 – Regeneration in Sandwell.

We also maintain our commitment to continued engagement with the Council and partner stakeholders in the delivery of regeneration initiatives within Sandwell which interface with our network, such as those for the Smethwick-Birmingham Corridor Framework and Rolfe Street Masterplans and related SPD’s, as they progress.

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Placemaking – achieving well-designed places

The Trust continues to encourage incorporation of cross-referencing to Canal Policy SNE6 within the justification text to now renumbered Policy SDS5 - Achieving Well-designed Places, as well as consultation on any future Local Design Codes.

Cultural Facilities and the Visitor Economy

The Trust welcomes inclusion of the canals within both renumbered Policy SDS6 (point 9) - Cultural Facilities and the Visitor Economy and its justification text, and has no further comments to make on this matter.

Green and Blue Infrastructure

The Trust welcomes inclusion of the canals within now renumbered Policy SDS8 - Green and Blue Infrastructure in Sandwell and its introductory and justification texts, and has no further comments to make on this matter.

4. Sandwell's Natural and Historic Environment

Nature Conservation

In relation to Policy SNE2 – Protection and Enhancement of Wildlife Habitats, the Trust repeats its previous advice that, *“the value of the canal network to Biodiversity Net Gain (BNG) will manifest itself as the implementation of BNG gains traction in 2024 and beyond. For example, canals are part of the local Biodiversity Action Plan (BAP) and as such will provide an increasing value and essential role in the Local Nature Recovery Strategy. Canals more broadly play a crucial role within Sandwell for nature conservation and provide large populations of urban dwellers with access to nature. As such Sandwell's canals should be recognised for the crucial role they facilitate in priority species movements and recovery through the West Midlands.”*

We continue to seek on-going engagement in the evolution of BNG-related policy wording throughout the plan preparation stages over 2024/5, including at Examination stages and in the correct application of the BNG metric in the assessment of current and future planning applications which suitably interface with our network.

Canals in Sandwell – Policy SNE6

The Trust gratefully notes that all our requested changes to this policy wording have been incorporated with the Regulation 19 version of this policy, and we therefore have no additional comments to make.

The Historic Environment

The Trust continues to welcome mention of *‘the canal network and its associated infrastructure, surviving canal-side pre-1939 buildings and structures, and archaeological evidence of the development of canal-side industries and former canal routes’ within Policy SHE2 5(e) – Development in the Historic Environment.*

5. Climate Change

The Trust notes that this section of the Regulation 19 version of the Sandwell Local Plan has been substantially re-written.

Paragraphs 5.13 and 5.61: We welcome the addition of these paragraphs in relation the potential of our network to provide for the heating and cooling needs of forthcoming adjacent development.

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The Regulation 18 version and paragraph 5.15 (in relation to retrofitting) appears to have been removed from this section of the Regulation 19 version and therefore our comments on the need to assess development impacts of this in terms of canal setting, historical significance and amenity value are absent. The Trust requests reinstatement of this section and incorporation of this advice, where applicable.

Para 5.71: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC5 – Flood Risk.

Para 5.83 Canals and SuDS: The Trust welcomes the addition of the canal network within this paragraph in support of Policy SCC6 - Sustainable Drainage.

6. Health and Wellbeing in Sandwell

The Trust notes that para 6.14 (h) includes reference to blue and green infrastructure, which by Glossary definition includes the canal network. Para 6.46 also adds reference to the canal network, and reference within para 6.50 to the use of planning conditions and obligations to support the work of agencies such as ourselves is further beneficially added.

7. Sandwell's Housing

The Trust previously advised that it, *"is content that canal-specific implications arising from the Council's draft Housing need and supply policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals in Sandwell (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:*

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice>

See also comments on Appendix B below.

In relation to towpath improvement aspirations the Trust has identified the Tame Valley Canal, Walsall Canal and the Old Wednesbury Canal as priority areas for upgrading over the plan period, and will seek to request Section 106/CIL monies from appropriate schemes where they arise in proximity to these stretches of the network.

The Trust also advises that it has some specific critical assets within the Sandwell area such as Spouthouse Embankment, Titford Pools feeder, and Netherton Tunnel which will require careful assessment of allocations for impact and mitigation under the provisions of SNE6 – Canals, particularly in relation to matters of land stability and infrastructure maintenance, cross-referenced with historic coal mining activity within Sandwell."

We maintain this previous advice and reiterate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

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8. Sandwell's Economy

The Trust previously advised that it, *"is content that canal-specific implications arising from the Council's draft Economy policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:*

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix C below."

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

9. Sandwell's Centres and 10. West Bromwich

The Trust previously advised that it, *"is content that canal-specific implications arising from the Council's draft Centres policies and allocated sites can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly, ideally at pre-application stage. The Trust requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:*

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix D below."

We note that in places the canal network is now identified within 'Areas of High Historic Townscape Value' designations, and on this basis have no further comments to make on this matter.

11. Transport

The Trust previously advised that, *"The Section contains a number of policies in relation to transportation, including the promotion of active and sustainable travel through modal shift. The canal network can provide robust opportunities for promotion of these agendas and the Trust welcomes the inclusion of the canal network within sub-section 3 of Policy STR5 – Creating Coherent Networks for Cycling and Walking. However, the Trust requests inclusion of the canal network within Figure 13 - Transport Key Diagram, overlaying with cycle and walking networks, to enable its role in the delivery of sustainable transport and modal shift to be more readily identified in conjunction with the implementation of Policy STR5 – Creating Coherent Networks for Cycling and Walking (ACTION REQUEST).*

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Similarly, the Trust welcomes mention of encouragement of use of the waterways within sub-section 1 of Policy STR4 – The Efficient Movement of Freight and Logistics as a sustainable alternative to road-based freight movement.”

We gratefully note that our network is now added into Figure 14 – Existing Transport Network and Figure 15 - Transport Improvements Plan and have no further comments to make on this matter.

12. Infrastructure and Delivery

The Trust previously advised, *“The Trust welcomes mention of the potential for use of canal towpaths for the provision of 5G network infrastructure within sub-section 3d of Policy SID1 - Promotion of Fibre to the Premises and 5G Networks and requests additional wording as follows, ‘To be delivered through the reasonable use of planning conditions or S106/CIL obligations.’ (ACTION REQUEST).”*

We welcome the retention of wording relating to the potential of our network to provide these opportunities within now renumbered Policy SID2 – Digital Infrastructure and paragraph 12.33, albeit without mechanisms for delivery being specified. We therefore repeat our previous advice.

13. Minerals and Waste

The Trust previously advised, *“The Trust is content that canal-specific implications arising from the Council’s draft Minerals and Waste policies and allocated sites (identified as being preferentially within Local Employment Sites) can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). However, inclusion of the canal network within relevant policy and allocation maps (ACTION REQUEST) will enable developers to identify canal-related constraints at an early stage and engage with us accordingly. The Trust therefore requests on-going engagement from the Council on submitted pre-application enquiries, and also encourages developers to seek pre-application advice from us direct:*

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design/our-statutory-consultee-role/what-were-interested-in/pre-application-advice> (ACTION REQUEST).

See also comments on Appendix E and Appendix F below.”

We maintain this previous advice and restate the importance of fully assessing development proposals under the requirements of Policy SNE6 – Canals.

14. Development Constraints and Industrial Legacy

We previously advised, *“The Trust is content that canal-specific implications arising from the Council’s draft Development Constraints and Industrial Legacy policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, for example after para 14.5. or more specifically in the justification texts for Policies SCO2 - Pollution Control and Policy SCO3 - Land contamination and instability (ACTION REQUEST).*

Similarly, we request para 14.17 of the justification text lists potential receptors of light pollution impact and includes the canal network within that list. (ACTION REQUEST).”

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We note that paragraph 14.18 is added which reflects impacts to our network specifically, and therefore have no further comments to make on this matter.

15. Development Management

We previously advised, *“The Trust is content that canal-specific implications arising from the Council’s draft Development Management policies can be adequately addressed through the issues-specific policies identified elsewhere in this response, and in particular the use of Policy SNE6 - Canals (as requested amendments above refer). Accordingly, we request the incorporation of cross-referencing to Canal Policy SNE6 within the introductory text to this section, or more specifically in the justification texts for Policy SDM1 – Design Quality, Policy SDM2 – Development and Design Standards, and Policy SDM3 – Tall Buildings and Gateway Sites.*

In relation to design quality, the canal network also presents opportunities for positive placemaking and the reduction of anti-social behaviour as commented on above in relation to Policy SDS4 - Achieving Well-designed Places.

In relation to tall buildings and gateway sites the Trust requests that Policy SDM3 – Tall Buildings and Gateway Sites sub-heading 5(c) specify that this relates to both designated and non-designated heritage assets (ACTION REQUEST). The associated justification text should also contain reference to the need for impact of tall buildings within typically lower height profile canal environments to be a material consideration, to enable assessment of impact on the prevailing visual environment and character of the canal network (ACTION REQUEST).”

We note that reference to our network is added into Policy SDM1 (h) – Design Quality and paragraph 15.17 and into Policy SDM3 (c) – Tall Buildings and Gateway Sites, and therefore have no further comments to make on this matter.

Delivery, Monitoring, and Implementation

We previously advised, *“The Trust requests opportunity to engage with the Council on an on-going basis throughout the plan period to secure the benefits to the canal network envisaged by the Plan’s suite of policies (ACTION REQUEST).*

Furthermore, the Trust notes that use, delivery and monitoring of Section 106 and CIL payments is not included within the policy wording and queries its absence (ACTION REQUEST).”

The Trust reiterates this previous advice.

Errata Sheet

The Trust has no comments to make on this matter.

APPENDIX A – Nature Recovery Network and Biodiversity Net Gain

The Trust previously advised, *“The Trust seeks to maintain engagement with the Council on the evolution of BNG delivery within Sandwell in its forthcoming formative roll-out stages (2024/25) and thereafter on an implementation basis throughout the plan period (ACTION REQUEST).”*

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The Trust maintains this previous advice, on an on-going basis through the Development Management process.

APPENDIX B - Sandwell Site Allocations

SH7 - The Boat Gauging House and adjoining land, Factory Road, Tipton – development proposals should have particular regard to the heritage assets on site in scale, form and impact on character. The Trust requests clarification of the continued inclusion or deletion of this allocation.

We note the additional of our requested wording to all other allocations, and therefore have no further comments to raise to those other allocations.

APPENDIX C – Employment Allocations – vacant land

SEC1-10 - Brandon Way/ Albion Road - development proposals where adjacent to the canal should have full regard to the land stability issues of the canal. The Trust requests clarification of the continued inclusion or deletion of this allocation.

APPENDIX D – West Bromwich Masterplan and Carter's Green Framework Plan (now Masterplans)

The Trust welcomes substantial reference to the canal network now within this Appendix, and seeks continued engagement through the Development Management process to ensure effective delivery.

APPENDIX E – Strategic Waste Sites

We previously advised, *“The Trust notes the identification of the existing Strategic Waste Sites within the Black Country authorities, (rather than just Sandwell) and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals (for any sites within Sandwell) if applicable.”*

The Trust maintains this previous advice.

APPENDIX F – Minerals

We previously advised, *“The Trust notes the identification of existing Key Mineral Infrastructure sites and raises no additional comments subject to statutory consultation on any forthcoming planning applications on any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 – Canals, for sites within Sandwell, if applicable.”*

The Trust maintains this previous advice.

APPENDIX G – Site allocations - changes

We previously advised, *“The Trust notes the changes in allocations, largely from housing to employment uses, and raises no additional comments subject to statutory consultation on any forthcoming planning applications on*

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any of these sites within our notified areas, and assessment in line with the emerging Policy SNE6 - Canals.

It is noted that in principle some employment uses may give rise to additional assessment needs and mitigation requirements in relation to operational pollution control e.g. air and water quality.”

The Trust maintains this previous advice.

APPENDIX H – Rowley Hills

The Trust has no additional comments to make on this matter.

APPENDIX I – Sandwell Local Plan Housing Trajectory

The Trust has no additional comments to make on this matter.

APPENDIX J – Sandwell Playing Pitch and Outdoor Sports Strategy (extract) (now Open space and play provision standards for development)

The Trust has no additional comments to make

APPENDIX K – Transportation Policy

The Trust has no comments to make on the proposed parking standards.

APPENDIX L – Transport Proposals

The Trust has no additional comments to make subject to assessment in line with Policy SNE6 – Canals.

APPENDIX M – Sandwell's Historic Environment Designations

The Trust has no comments to make on this matter.

APPENDIX N – Superseded Policies and Plans

The Trust has no comments to make on this matter.

APPENDIX O – Glossary

The Trust has no comments to make on the proposed definitions.

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We are willing to continue to work with you, to meet and discuss these points for clarity and to seek to work together towards high-quality development within Sandwell that relates positively with the waterway network, and to attend the Examination Inquiry as needed.

The above comments do not prejudice any further matters that might be raised at a later stage as the plan/document emerges.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tracy Humphreys MRTPI
Area Planner

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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