**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 beings 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/.**](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**

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| --- |
| **Section 1- Your Details** |
|  | **1.Personal details** | **2. Agent’s details (if applicable)** |
| **Title** | Mr |  |
| **First name** | Stuart |  |
| **Last Name** | Morgans |  |
| **Job Title (where relevant)** | Principal Planning Manager |  |
| **Organisation (where relevant)** | Sport England |  |
| **House No./Street** | SportPark, 3 Oakwood Drive |  |
| **Town** | Loughborough |  |
| **Post Code** | LE11 3QF |  |
| **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 | X |
| 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.

**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)

Sandwell Local Plan Publication Version - Appendix B site allocations

**Title of document you are commenting on**

**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** |

## Do you consider the Local Plan is:

* 1. Legally compliant Yes  No 
	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.

SH18 (SA55) Friar Park (STW/SMBC land), Wednesbury -

At Reg 18 stage Sport England made the following representation: "Sport England recognises that the allocation does make reference to mitigating the loss of playing pitches in line with the PPOSS/Action Plan, but objects to this being subject to viability testing, since there is no relevant exception criteria for viability testing in para 99 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance. To address, this we recommend that the reference to viability testing be removed."

The Council's response to Reg 18 consultation document sets out "Comments noted, do not need to amend as there are policies in place with regards to playing pitch replacement. Sandwell Council will continue to engage with Sport England in relation to this matter"

Sport England notes that Appendix 2 maintains the following reference "Playing Pitches on site - subject to demonstration of viability, reinstatement should be made in accordance with the PPOSS/Action Plan 2023"

Sport England continues to object to the maintained reference to only mitigating the loss of playing field where it is viable to do so, since there is no exception criteria in para 103 of the NPPF, nor within draft policy SHW5, nor within Sport England's Playing Fields Policy and Guidance in respect of viability. Since this wording does not accord with national policy, as drafted the policy allocation is considered to be unsound. This objection could be addressed by removing the words "subject to demonstration of viability", suggested replacement wording as follows "Any loss of playing field will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

SH34 (SA79) Brandhall Golf Course -

At Reg 18 stage Sport England made the following representation: "The allocation references an existing planning application for redevelopment of the site, for which Sport England have objected. We recognise that there is no longer a need to retain the 18 hole municipal course, but take the view that mitigation should be secured to make qualitative improvements to the existing golf course facility at Warley Woods in line with the findings and recommendations of the PPOSS 2022. We understand that a planning condition has been included to secure this mitigation. To address this, we would recommend that an appropriate reference be added to the allocation regarding securing an appropriate the

off-site contribution towards golf".

The Council's response to Reg 18 consultation document states that no change is proposed to the allocation wording on the basis that the planning condition was secured in respect of the planning application and that there are policies in the plan that refer to the loss of sports facilities.

Sport England remains of the view that the allocation should make reference to mitigating the loss of the golf course. The existing planning consent, whilst currently extant, may not be implemented. It is important that the policy allocation recognises the need to mitigate the loss of the existing sports facility to accord with draft policy SHW5 and para 103 of the NPPF. Sport England's objection could be addressed by adding the words "the loss of the disused golf course will need to be mitigated in line with policy SHW5 & para 103 of the NPPF".

SH43 (SA166) Land off Tanhouse Avenue, Great Barr -

At Reg 18 stage Sport England made the following representation : "The site includes an area of disused playing field that has previously been delineated to provide a football pitch. The proposed allocation does not reference this, and does not identify the need to mitigate the loss of the playing field in line with para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy, and so we object to this proposed allocation. To address this, either the proposed allocation should be deleted, or additional text be added to make it clear that the proposed allocation an only come forward subject to addressing the loss of former playing field in line with the above policies."

The Council's response to Reg 18 consultation document states the allocation does not include the disused playing field. Additional information will be added to the further information column stating that any proposal will need to allow for access to the playing field.

Sport England disputes the Council's view that the proposed allocation does not constitute disused playing field land. This is evident from google earth aerial imagery as shown in the attached document. The image shown from October 2003 clearly shows there to be a football pitch marked out. There has been no material change of use of the land since that time, and planning permission would not be required to cut the grass etc and mark out a pitch for re-use as playing field. Sport England is therefore of the view that the further information wording requiring access to be retained to the adjoining playing field to east in insufficient, and that there is also a need to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. As it stands, Sport England considers the allocation to be unsound as it is not in accordance with national policy that protects playing fields. To address this, it will be necessary to make it clear that the site can only be developed where there is provision to mitigate the loss of playing field in accordance with draft policy SHW5 and para 103 of the Framework. The Council have not put forward any such proposals. Alternatively, the allocation should be withdrawn from the plan.

SM2 (SA199) Lion Farm, Oldbury -

At Reg 18 stage Sport England made the following representation: "The site constitutes existing playing field for which para 99 of the NPPF, draft policy SHW5 and Sport England's Playing Fields Policy apply. Sport England notes the allocation is for retention of 6 sports pitches with changing facilities and car parking (5 ha), with the remainder to be lost to a mix of residential, employment and open space uses. We note the reference that this allocation is strongly caveated by the ability to relocate 6 pitches to the southern part of the Borough, however this does not provide sufficient comfort that a proposal will come forward to provide replacement playing field that is equivalent or better quantity, equivalent or better quality, in a suitable location, and subject to equivalent or better accessibility and management arrangements to meet the relevant Exception criteria of our policy. The Council's own evidence base in the PPOSS 2022 identifies shortfalls of capacity for football in Oldbury and across the Borough, both now and in the future, with a recommendation to protect and enhance the quality of the existing pitches at Lion Farm. The site is well used for adult league football in the Warley Sunday League by several local teams whose demand would likely be displaced should the site be redeveloped. Sport England are aware that finding a suitable site(s) to replace 6 pitches will be extremely challenging for the Council in light of the findings and recommendations of the PPOSS, and so in the absence of detailed deliverable proposals that demonstrate how these pitches would be replaced in line with the relevant policies referred to above, Sport England is of the view that there is significant doubt that the caveat would be reasonably met. We consider this allocation to be in direct conflict with the Council's stated ambitions, vision and objectives of the Draft Plan, particularly those that seek to improve the health and well-being of Borough's residents. As such, Sport England strongly objects to the proposed allocation which should be removed from the plan."

The Council's response to Reg 18 consultation document states work is underway to identify replacement provision in suitable locations, if this cannot be found, the allocation will be amended or deleted in full.

This statement demonstrates that the Council recognise there is significant doubt that it will be possible to mitigate the loss of existing playing field in line with relevant policies, including draft policy SHW5, paragraph 103 of the NPPF and Sport England's Playing Fields Policy.

The further information wording has been amended to include "Following further consideration and discussions with Parks and Open Spaces, the following sites have been identified as having the potential to provide replacements for pitches lost to development prior to that development commencing on site:

* Lightwoods Park

Balls Hill Open Space, Chester Road Surrey Crescent Site

* Black Patch Park
* Hill Top Park Site
* Brooklands Open Space, Brooklands Site
* Marl Hole Park, Hambletts Road Site
* Ratcliffe Park, Ebenezer Street Site
* Playing Field, Bilston Road Site

Sport England has assessed each of these sites and concluded that they collectively and individually fall significantly short of providing equitable or better replacement in quantity and quality in a suitable location to meet the relevant policy test in policy SHW5, para 103 of the Framework, and SE's playing fields policy. We have set out our analysis in the attached document. We also refer in further detail to the relevant sections of the Council's own evidence base in the adopted Playing Pitch and Outdoor Sports Strategy 2022 which recommends protecting this playing field site for use for football. Sport England therefore is strongly of the view that this allocation is unsound as it is in conflict with national policy to protect playing fields. The Council have been unable to identify suitable mitigation sites for replacement playing field that would meet the relevant policy test and so we consider that the allocation should be withdrawn from the plan.

**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 publishsignatures, 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**](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.

Digitally signed by Stuart Morgans Date: 2024.11.07 15:47:07 Z

Stuart Morgans

## Signature: ……………………………………………………………

**Date: ………………………………………**

07/11/2024

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

**Thank you for taking time to complete and return this response form.**