



Matter 5 | Climate Change (SCC1-SCC6) Written statement

**Sandwell Local Plan 2024-2041
Submitted for Examination**

Vulcan Property II Limited

August 2025

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Preliminaries

Local authority

Sandwell Council

Local plan

Sandwell Local Plan 2024-2041

Written statement

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| Matter 5 Climate Change (Policies SCC1-SCC6) | Issue 5 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change. | Q5.3 a) | 5-6 |
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1. Introduction

- 1.1 Sevo Planning Consultancy (Sevo) has prepared this Regulation 22 written statement for Vulcan Property II Limited (Vulcan). The written statement responds to matters, issues and questions as set out by the Inspector at *SA/ED59 Sandwell Local Plan 2024-2041 – Examination Matters, Issues and Questions (MIQs) for Weeks 2 and 3* of the Sandwell Local Plan (the SLP) Examination.
- 1.2 This submission is made ahead of the Local Plan Examination Week 2 and 3 hearing sessions scheduled to be held between Tuesday 23 September 2025 and Friday 3 October 2025. Friday 26 September 2025 (PM) and Friday 3 October 2025 (PM) are Week 2 and Week 3 reserve sessions.
- 1.3 This written statement responds to the issues and questions associated with **Matter 5 | Climate Change (SCC1-SCC6)**. The corresponding hearing session is scheduled to take place on **Wednesday 1 October 2025 (AM)**. Sevo intends to attend this hearing session to give oral evidence for Vulcan. Ahead of its attendance at the hearing session, Sevo has submitted this written statement ahead of the deadline of **midday Thursday 28 August 2025**.
- 1.4 Vulcan owns a site of 1.14ha at Brades Road, Oldbury. Vulcan put the site forward in response to the Local Plan Call for Sites as suitable for brownfield housing development. The site is included in the submission version of the plan, as a proposed housing allocation.
- 1.5 Vulcan has previously submitted representations at the following stages of development plan preparation:
- Issues and Options / Call for Sites – February and March 2023
 - Regulation 18 Preferred Options – six weeks to 18 December 2023
 - Regulation 19 Publication Draft – six weeks to 4 November 2024
- 1.6 Vulcan also made submissions following a draft Sandwell Housing Market Assessment Update (HMA) stakeholder workshop, held in June 2024.
- 1.7 Preparation of the SLP was preceded by the Council, together with Dudley Council, Walsall Council and the City of Wolverhampton, progressing The Black Country Plan 2039 (the BCP). The BCP reached Regulation 18 stage before being abandoned in October 2022 because the four councils were unable to reach agreement on the approach to planning for future development needs within the framework of the BCP. Vulcan had made representations at Issues and Options/Call for Sites and Regulation 18 stages, with its Brades Road site included in the BCP as a proposed housing allocation.
- 1.8 Reference to the National Planning Policy Framework (the Framework) are to the version published in December 2023, unless explicitly stated otherwise.
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2. Matter 5 – Written statement

M5 Climate Change (SCC1-SCC6)

Issue 5 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change.

Q5.3 Is policy SCC3 justified, effective and consistent with national policy in its approach to climate-adapted design and construction? Including:

a) Is the approach to overheating assessment in 4a. and 4b. justified?

- M5.3.1 In respect of Q5.3, the wording of Regulation 19 policy SCC3 introduces a requirement that all major developments completes the Chartered Institute of Building Service Engineers CIBSE TM59 overheating assessment, rather than satisfying the requirements as set out in building regulations Part O. There is no justification for this.
- M5.3.2 In SA/ED2 the officer response acknowledges that overheating analyses and daylight considerations are not mutually exclusive and that they should be addressed together to ensure that window design is suitable for both solar gain management and natural lighting. It also acknowledges that overheating strategies, in particular the use of large glazing (such as floor-to-ceiling windows) can lead to challenges with solar gain. It goes on to say that appropriate design solutions for window size, placement, and openable casements must be considered to mitigate overheating whilst optimising daylight.
- M5.3.3 SA/ED2 provides justification for SCC3 requiring an overheating assessment beyond Part O (such as CIBSE TM59) in the shape of it offering a more comprehensive and flexible approach, going beyond the high-level solar gain risk assessments in the building regulations requirements.
- M5.3.4 A Written Ministerial Statement of 15 December 2021 sets out that overheating standards are part of mandatory building regulations requirements, such that there is no need for policies in a development plan to duplicate this. Given this, there is no justification for SCC3 requiring a CIBSE TM59 (or similar) overheating assessment. To avoid duplication and to ensure that the policy accords with national planning policy and guidance, the requirement that developments complete a CIBSE TM59 assessment should be removed.
- M5.3.5 The supporting text to SCC3 might refer to CIBSE TM59 in the context of it being an optional assessment and part of demonstrating how the layout and design of a proposed development has addressed orientation, shading, ventilation and the potential impact of overheating.
- M5.3.6 If such supporting text commentary on an optional overheating assessment is included, it should be on the basis of any such assessment needing to be considered in context with an overheating prevention strategy having the potential to fundamentally influence design and can often conflict with large window opening which then requires compensatory measures including air colling strategies which can conflict with Part L requirements. Any policy requirement, and optional extensions set out as part of policy supporting text, should not refer to overheating assessment in isolation, but instead

acknowledge that these could be one of a number of assessments undertaken to promote appropriate design within a development.

Q5.6 Is policy SCC6 justified, effective and consistent with national policy in its approach to sustainable drainage? Is it sufficiently flexible?

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| M5.6.1 | Vulcan has maintained its objection to the sustainable drainage policy of the emerging local plan. At Regulation 18 stage, Vulcan objected to the statement that all new development proposals should provide details of adoption, ongoing maintenance and management of SuDS. |
| M5.6.2 | The Council acknowledged in its Regulation 18 response the need to amend the policy wording in response to the Vulcan submissions, with a suggested requirement that major developments incorporate SuDS unless there is clear evidence that this would be inappropriate, and to expect other schemes to do so wherever possible and deliverable. |
| M5.6.3 | The SCC6 Regulation 19 text states that all developments should demonstrate that the design has incorporated SuDS that prioritise natural drainage solutions to control surface water in accordance with the SuDS hierarchy. |
| M5.6.4 | The Vulcan Regulation 19 submission is clear there must be flexibility for developers to provide evidence of what can be achieved on a particular development site, having regard to the drainage hierarchy and where drainage solutions other than SuDS would be more practicable. |
| M5.6.5 | The officer response in SA/ED2 sets out a position that the setting of local requirements for SuDS is sound, and is justified through the evidence presented in the SFRA on managing all sources of flooding and allowances for climate change, reducing pollution into watercourses and groundwater, and aligns with national policy for the delivery of sustainable development. |
| M5.6.6 | The Framework and practice guidance are clear that major developments should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. It is similarly clear on what is required in development management decisions concerning flood risk. It sets out that, where appropriate, applications should be supported by a site specific FRA and that development should only be allowed in areas of flood risk where a number of criteria are satisfied including that it incorporates SuDS unless there is clear evidence that this would be inappropriate. |
| M5.6.7 | Policy SCC6 and its supporting text should be modified such that it is explicit that the requirement is for major development to incorporate SuDS unless it can be demonstrated through clear evidence that this would be inappropriate. |
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