
Sandwell Local Plan 2024-2041 - Examination

Inspector

Mrs C Jack BSc (Hons), MA, MA(TP), PGDip (CHE), MRTPI

Programme Officer

Ms Louise St John Howe

louise@poservices.co.uk

07789 486419

MATTERS, ISSUES AND QUESTIONS for Hearing Week 3

MATTER 5: Climate Change (Policies SCC1 – SCC6)
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Issue 5 – Whether the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change.

Q5.1 Will policy SCC1 provide a justified and effective framework for reducing operational carbon in new build residential development? Including:

a) Are the policy's expectations for development clearly set out?

Policy SCC1 provides a well-defined and structured framework for reducing operational carbon in new residential dwellings. The structure of the policy aligns with the energy hierarchy 'be lean, be green, be clean' by first directing improvements to fabric efficiency, then delivering energy efficiently, and then through to the provision of renewable energy generation on site.

Furthermore, SCC1 is consistent with the Written Ministerial Statement (WMS) on energy efficiency and zero-carbon homes, ensuring that local requirements reinforce national policy objectives, and use national technical standards.

The policy's expectations are clearly articulated through multiple mechanisms:

1. The policy sets out minimum improvements on Target Fabric Energy Efficiency (TFEE), providing a clear baseline for reducing energy demand before renewable energy solutions are considered.
2. The policy identifies thresholds where more detailed assessment is required, such as decentralised energy network opportunities for developments over 10 dwellings, and broader energy infrastructure considerations for schemes exceeding 50 or 100 units.
3. SCC1 allows for flexibility where standard requirements cannot be met, including fallback renewable energy targets ($>35 \text{ kWh/m}^2/\text{year}$) and the option for off-site energy offsetting, ensuring that operational carbon reductions remain achievable even in challenging circumstances.
4. SCC1 explicitly recognises that full compliance may not always be technically or financially viable. By providing clear guidance on demonstrating unfeasibility and prioritising interventions (fabric first, then on-site renewables, then offsetting), the policy supports meaningful carbon reductions without imposing disproportionate burdens on developers.

Overall, SCC1 balances clarity and flexibility, offering developers well-defined targets and processes while accommodating site-specific constraints. Its combination of prescriptive standards, alternative compliance routes, and staged requirements for larger developments ensures that operational carbon reduction is both achievable and verifiable.

Separately, Policy SCC2 provides a clear and distinct framework for non-residential development. This separation is helpful as non-residential schemes are assessed under different methodologies in Building Regulations (e.g. SBEM or dynamic simulation models rather than SAP). Having separate policies avoids confusion, ensures requirements are tailored appropriately to the type of development, and provides a more effective and justified framework across both residential and non-residential schemes.

b) Should the requirements of criterion 3d) apply only to major developments?

Yes, the requirement in criterion 3d) is appropriately applied to major developments, as it aligns with the preceding paragraphs (b and c) which set out expectations for decentralised energy assessments at this scale.

- Major developments (10 or more dwellings) are the most suitable for connection to existing or planned decentralised energy networks, as smaller developments are unlikely to generate sufficient energy demand to justify a connection.
- Limiting this requirement to major developments focuses resources where carbon reduction potential is greatest and avoids imposing disproportionate costs or complexity on minor schemes.

It could be argued that 3d) might have been structured as a sub-paragraph of 3b) to more clearly link the requirement to the major development threshold, reinforcing the context and applicability of the expectation.

The current scope of criterion 3d) is justified and effective, targeting developments where the potential carbon savings and feasibility of network connections are most meaningful.

c) Are the requirements justified and appropriately costed in relation to general development viability and any effect on housing supply and affordability?

The requirements of Policy SCC1 are justified and appropriately costed in relation to general development viability and the potential impact on housing supply and affordability.

SCC1 has been developed with a clear understanding of the viability challenges within Sandwell while maintaining the Local Plan's fundamental objective of ensuring proactive mitigation of climate change. The policy ensures that new residential development is climate-resilient and that occupiers are protected from higher operational costs, aligning with the Borough's climate commitments and the overarching goal of delivering sustainable, low-carbon housing.

The Costs Appendix (CLIM004) provides a detailed assessment of the costs of achieving net zero buildings, drawing on QS data from the Government's Future Homes Standard (FHS) consultation, London Boroughs, and other local planning authorities. The data have been adjusted for inflation where appropriate, though some variability is acknowledged depending on source and timing.

The Aspinall Verdi Viability Addendum (VIAB002) estimates the cost of SCC1 at £4,449 per dwelling, which covers enhanced fabric efficiency and the installation of a heat pump (£4,374 total).

The additional cost associated with meeting the 39% on-site renewable energy target (SCC1.4) is £2,126, representing a 0.9% uplift on base build costs. This cost is marginal when considered against the average built cost of a house in Sandwell.

The potential "eco premium" on sales prices (1.8% uplift) would more than offset the costs of renewable energy provision, ensuring that the policy does not negatively impact housing affordability or developer viability.

Over the period of the Local Plan, the introduction of the Future Homes Standard (likely to include PV installation on 40% of roof area) may increase construction costs initially. However, economies of scale are expected to reduce relative costs over time, mitigating any long-term impact.

SCC1 incorporates flexibility to address viability challenges through provisions such as SCC1.4c, SCC1.9, and SID1. This ensures that developers can adjust compliance in exceptional circumstances without compromising overall carbon reduction objectives or housing delivery.

Overall, SCC1 is justified and proportionately costed. The modest uplift in construction costs, balanced by the potential eco premium on sales, ensures that the policy is viable, does not threaten housing supply or affordability, and supports the delivery of low-carbon, climate-resilient residential development in Sandwell.

d) Are the requirements flexible enough?

Yes. Policy SCC1 provides a well-balanced framework that combines clear operational carbon reduction targets with practical flexibility to accommodate technical, financial, and site-specific constraints.

- Developers can demonstrate compliance using either SAP or PHPP, allowing for different modelling approaches while maintaining credible, evidence-based predictions of energy performance.
- Section 4 explicitly accommodates situations where full compliance is not feasible, including a fallback renewable energy target of >35 kWh/m²/year, ensuring that meaningful carbon reductions are achievable even under constrained conditions.
- For residual shortfalls in on-site renewable provision, the policy permits off-site energy offsetting via S106 contributions as a last resort, providing an additional mechanism to deliver operational carbon savings.
- More resource-intensive measures, such as post-occupancy evaluation (POE), are applied only to super-major developments (50 or 100 dwellings or more), ensuring that smaller developments are not subject to disproportionate burdens while still encouraging best practice where the potential impact is greatest.

SCC1 strikes an appropriate balance between ambition and practicality. Its combination of methodological choice, fallback targets, offsetting mechanisms, and scale-dependent requirements ensures that developers can achieve meaningful reductions in operational carbon while accommodating site-specific and financial realities.

e) Are the requirements consistent with national policy towards achieving net zero and the expectations of the Government’s Written Statement “Planning - Local Energy Efficiency Standards Update” made on 13 December 2023?

The Planning and Compulsory Purchase Act (2004)¹ introduced a requirement on local development plans to include policies that contribute to both climate mitigation and adaptation, with the same duty reiterated in the Planning Act 2008².

The NPPF and national planning guidance require local plans take a proactive approach to mitigating and adapting to climate change and contribute to a radical reduction in greenhouse gas emissions. Policy SCC1 is wholly consistent with the primary legislation and duty to mitigate for climate change, and the NPPF, particularly paragraph 157, which requires plans to shape places in ways that contribute to radical reductions in greenhouse gas emissions. SCC1 aligns with national policy since its implementation works towards achieving the legally-binding UK

¹ <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

² <https://www.legislation.gov.uk/ukpga/2008/29/part/9/chapter/2/crossheading/climate-change>

target of net zero by 2050, as set out in the Climate Change Act 2008³, and carbon budgets subsequently legislated under the aegis of that Act.

Policy SCC1 has due regard to the contents of the Written Ministerial Statement (WMS) of December 2023⁴, which the Environment Topic Paper (SA/ED7) and the Climate Change Study (CLIM003) addresses directly. While the WMS is a material consideration, local authorities retain powers under the Planning and Energy Act 2008 to set higher energy standards, where justified.

Policy SCC1 employs the powers available under the Planning and Energy Act 2008 to set energy efficiency standard which exceed current Building Regulations, and require a proportion of energy from renewable sources in new residential dwellings and in major non-residential development.

The WMS requires local energy efficiency standards to ensure (a) that development remains viable, and (b) that they are expressed as a % uplift of a dwellings TER using a specified version of a SAP.

SCC1 accords with the WMS, as the WMS only applies to energy efficiency standards, where it states that any standards that exceed Building Regulations must be done so using the TER metric. SCC1.1 is the only policy recommendation that relates to the energy efficiency perceived constraints of the 2023 WMS and remains within its bounds through the use of TER % reduction as the primary metric. The TFEF target is not additional to, but is a step towards, that TER target, and aligns with the building specification on which that TER target is also based.

Furthermore, the 63% reduction target on Part L 2021 TER is set to align with national policy in that it is in line with the Future Homes Standard, and correspondingly the TFEF target is set to align with the performance of a home that achieves that TER target via the indicative FHS specification set out by Government in the 2019-21 FHS consultation.

SCC1 is consistent and aligns with both the Planning and Compulsory Purchase Act (2004), and Climate Change Act (2008) for the mitigation of climate change and the nationally mandated target of net zero, as well as the NPPF which echoes this duty.

SCC1 has also considered the issue of viability as required by the WMS (see under “c” above).

A further important consideration is the recent **Court of Appeal judgment in *Rights: Community: Action Ltd v Secretary of State*** (July 2025)⁵, which provides new clarity on the weight of the 2023 Written Ministerial Statement (WMS). The Court confirmed that while the WMS is a material consideration, it is guidance rather than a binding ceiling, and cannot displace the statutory powers granted under the Planning and Energy Act 2008 for local authorities to set higher energy efficiency standards where justified. This means that local planning authorities, supported by evidence on viability and deliverability, may lawfully depart from the WMS and pursue stronger carbon reduction policies — a point already being tested successfully at recent examinations, such as Tendring & Colchester Garden Community AAP⁶, Uttlesford DC⁷ and the Salt Cross DPD⁸.

³ <https://www.legislation.gov.uk/ukpga/2008/27/section/1>

⁴ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hlws120>

⁵ <https://caselaw.nationalarchives.gov.uk/ewca/civ/2025/990?query=%5B2025%5D+EWCA+Civ+990>

⁶ [Tendring & Colchester Borders Garden Community DPD](#)

⁷ [post-hearing letter in August](#)

⁸ [post-hearing letter dated 1 August 2025](#)

The judgment reinforces that Policy SCC1, in aligning with the Climate Change Act 2008, the NPPF's climate obligations, and the Future Homes Standard trajectory, is both consistent with national policy and supported by recent case law confirming councils' ability to adopt ambitious local standards.

To conclude, Policy SCC1 employs the powers available under the Planning and Energy Act 2008 to set energy efficiency standard which exceed current Building Regulations, and aligns with the WMS through % reductions against national technical standards, e.g. TER metric.

Q5.2 Is policy SCC2 justified, effective and consistent with national policy in its approach to reducing operational carbon in new build non-residential development?

Policy SCC2, like SCC1, provides a well-defined and structured framework for reducing operational carbon in new non-residential buildings. Its structure aligns with the energy hierarchy—"be lean, be green, be clean"—by prioritising fabric efficiency, followed by energy-efficient operation, and finally the provision of on-site renewable energy generation.

The policy's expectations are clearly articulated through multiple mechanisms:

1. SCC2 sets out minimum improvements against the 2021 Building Regulations Target Emission Rate (TER), providing a clear baseline for reducing energy demand before renewable energy solutions are considered.
2. The policy identifies where more detailed assessment is required, including opportunities to connect to decentralised energy networks and broader energy infrastructure considerations for developments exceeding 10,000 m².
3. SCC2 allows fallback renewable energy targets (>35 kWh/m²) and off-site energy offsetting where standard requirements cannot be met, ensuring operational carbon reductions remain achievable under challenging circumstances.
4. By clearly outlining the order of measures, fabric first, then on-site renewables, then offsetting, the policy supports meaningful carbon reductions without imposing disproportionate burdens on developers.

Consistency with national policy:

- SCC2 aligns with the Planning and Energy Act 2008⁹, using powers to set energy efficiency standards above current Building Regulations for non-residential buildings and requiring a proportion of energy from renewable sources.
- The policy supports compliance with the Climate Change Act 2008 and UK net zero targets, contributing to the reduction of greenhouse gas emissions.
- SCC2 reflects the NPPF (paragraph 157)¹⁰ by shaping places in ways that contribute to radical reductions in emissions.
- While the Government Written Ministerial Statement (WMS, Dec 2023) specifically targets dwellings, SCC2 complements the national policy approach for non-residential buildings by promoting ambitious energy efficiency and on-site renewable generation.

⁹ <https://www.legislation.gov.uk/ukpga/2008/21/section/1>

¹⁰ https://cached.offlinehbpl.hbpl.co.uk/NewsAttachments/PCD/NPPF_December_2023.pdf

SCC2 is justified, effective, and consistent with national policy. It provides clear and measurable targets, staged requirements for larger developments, and flexible compliance options that ensure operational carbon reduction is both achievable and verifiable while supporting the UK's legally binding net zero ambitions.

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

Policy SCC3 is both justified and effective in guiding climate-adapted design and construction, and it aligns with national policy, including NPPF paragraphs 157–159, which require local plans to shape places in ways that contribute to mitigating climate change and enhancing resilience to its impacts. The policy provides a clear, evidence-based framework to ensure that all new residential and non-residential developments are designed to withstand current and future climate risks while promoting energy efficiency and occupant wellbeing.

A key feature of SCC3 is the cooling hierarchy and overheating assessment. The policy prioritises passive and low-energy strategies to manage internal heat, following a structured sequence: minimising internal heat generation through efficient design and equipment, reducing solar gain via orientation, shading, fenestration, and reflective materials, managing heat with thermal mass and high ceilings, and applying passive ventilation and natural cooling measures before resorting to mechanical systems.

Major developments are required to demonstrate compliance through CIBSE TM52¹¹ and TM59 overheating assessments¹², ensuring that design interventions are evidence-based, quantifiable, and capable of protecting occupants during extreme heat events.

SCC3 also addresses local social vulnerability, recognising that residents in Sandwell, particularly in areas of high deprivation and fuel poverty, are disproportionately affected by overheating and poor indoor environmental quality. By promoting passive cooling, green and blue infrastructure, urban greening, and sustainable drainage, the policy not only enhances climate resilience but also supports social equity, improving comfort and health outcomes for the most vulnerable populations.

The policy complements BREEAM certification requirements, sustainable construction practices, and the use of climate-resilient materials. These measures collectively reduce carbon emissions, minimise construction waste, and ensure that new developments are fit for a changing climate. SCC3 also integrates with other local policies on flooding,

Overall, SCC3 is justified, effective, and consistent with national policy. It provides developers with a clear, structured, and flexible approach to climate-adapted design, balancing prescriptive standards with evidence-based assessments and site-specific adaptability. The policy ensures that new developments in Sandwell are resilient, energy-efficient, socially equitable, and aligned with broader climate mitigation and adaptation objectives at both national and local levels.

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

¹¹ <https://www.cibse.org/knowledge-research/knowledge-portal/tm52-the-limits-of-thermal-comfort-avoiding-overheating-in-european-buildings>

¹² <https://www.cibse.org/knowledge-research/knowledge-portal/technical-memorandum-59-design-methodology-for-the-assessment-of-overheating-risk-in-homes>

Yes, the approach to overheating assessment in SCC3 sections 4a (residential) and 4b (non-residential) is justified. The policy requires major residential developments to follow CIBSE TM59 and major non-residential developments to follow CIBSE TM52, rather than relying on the simplified Part O compliance route.

1. Part O offers two routes to compliance, a simplified method, and a more in-depth method. Part O's in-depth method is based on the CIBSE TM59 method. Part O permits either route to be taken in most developments, but in certain situations it stipulates that the in-depth method must be used. SCC3 ensures that more in-depth route is used to all major residential. Importantly this policy does not "duplicate" the Part O regulation, but is clarifying which route the Council expects applicants to take as the route to that compliance.
2. The simplified Part O method does not provide sufficient granularity to accurately predict internal temperatures under extreme heat events or prolonged high temperatures. It fails to account for dynamic interactions of building orientation, internal gains, ventilation, and passive cooling measures, which could leave residents exposed to overheating. Using TM52/TM59 ensures robust, evidence-based assessment that reflects actual building performance.
3. Building Regulations Part O only applies to homes, thus neglecting the risk of overheating in non-residential development. SCC3 aims to remedy that so that people also remain protected in their workplaces, schools, health facilities, and so on. Without this protection, the increasing frequency of heatwaves (that are occurring due to climate change) would increasingly impact on productivity, educational outcomes and health outcomes, which would represent a failure to sufficiently adapt to climate change.
4. The approach is consistent with the NPPF, specifically paragraph 158[1], which requires planning policies to ensure that development minimises vulnerability to climate change, including overheating. By requiring recognised CIBSE assessments, the policy embeds climate-adapted design at the planning stage.
5. Sandwell has areas of high deprivation and fuel poverty. Such residents are more susceptible to the adverse impacts of overheating. People in deprivation have less choice over where they live, are less able to afford energy bills for cooling/ventilation equipment, and also are more likely to live in smaller, more crowded and more densely-massed housing which raise the risk of overheating unless combated at the early design stages. TM59 assessments, integrated with the cooling hierarchy, support passive and low-energy design strategies that reduce dependence on mechanical cooling, safeguarding health and comfort.
6. The assessments support SCC3's structured approach to passive measures (orientation, shading, ventilation, thermal mass, and green infrastructure) before mechanical solutions, ensuring energy-efficient and climate-resilient outcomes.

Requiring TM52/TM59 assessments for major developments provides a justified, evidence-based, and nationally consistent approach. It ensures that overheating risk is effectively managed, promotes resilience to climate change, and protects vulnerable communities, while also aligning with the cooling hierarchy and energy efficiency objectives of SCC3.

Q5.4 Is policy SCC4 justified, effective and consistent with national policy in its approach to embodied carbon?

Policy SCC4 is clearly justified in addressing embodied carbon and construction waste within new developments. Embodied carbon is outside the scope of the Government's Written Ministerial Statement (WMS) on energy efficiency standards, and SCC4 aligns with national legislation and policy obligations for climate change mitigation, including the Climate Change Act 2008 and the NPPF's emphasis on planning for a low-carbon economy and sustainable design (paragraphs 159–161). The policy explicitly supports carbon reduction at the design and construction stages, reflecting the growing proportional importance of embodied carbon as the operational carbon of new buildings is reduced through decarbonisation of the energy grid.

The policy also aligns with NPPF paragraph 163 regarding reuse of existing buildings and materials, ensuring that redevelopment and demolition are managed in ways that reduce emissions, conserve resources, and encourage circular construction practices.

SCC4 provides an effective and proportionate framework to address embodied carbon across development scales. Key elements include:

- Whole-Life Carbon Assessment (WLCA) are required for major residential (≥ 50 dwellings) and non-residential ($\geq 5,000 \text{ m}^2$) developments, in accordance with RICS guidance¹³. This ensures that design decisions consider lifecycle emissions comprehensively.
- Developments demonstrating embodied carbon $\leq 600 \text{ kgCO}_2\text{e/m}^2$ GIA (modules A1–A5) are given positive weight, encouraging best practice without imposing rigid, potentially unviable targets.
- Mandatory pre-development / pre-demolition audits for major sites with existing buildings promote efficient material recovery, aligning with sustainable design principles and reducing unnecessary waste.
- For minor schemes, a qualitative assessment ensures that embodied carbon is considered without imposing disproportionate costs.
- The policy deliberately avoids prescriptive numeric targets that could compromise project viability, instead incentivising improvements through positive weight and structured guidance, balancing carbon reduction objectives with practical implementation.
- The SA-ED50 June 2025 schedule clarifies WLCA and demolition audit requirements, further strengthening the policy's clarity, enforceability, and effectiveness.

SCC4 aligns with national planning and climate change policy. It reflects the NPPF's instruction to plan development in ways that reduce greenhouse gas emissions (paragraphs 158–164) and promotes sustainable design and construction. By focusing on lifecycle carbon, material efficiency, and reuse of existing structures, the policy complements broader national objectives for achieving net zero by 2050. Additionally, it utilises powers available under planning legislation to establish standards that go beyond the minimum regulatory baseline, consistent

13

https://www.rics.org/content/dam/ricsglobal/documents/standards/Whole_life_carbon_assessment_PS_Sept23.pdf

with the proactive, locally-led mitigation approach encouraged under the Planning and Compulsory Purchase Act 2004¹⁴.

Policy SCC4 is justified, effective, and consistent with national policy. It provides a robust, evidence-based framework for addressing embodied carbon and construction waste, incentivising low-carbon design and material efficiency while remaining proportionate, flexible, and viable. The policy ensures that both major and minor developments engage with embodied carbon considerations, supports reuse and circular construction principles, and reinforces the Council's broader climate mitigation and sustainable design objectives.

Q5.5 Are the requirements of policy SCC5 justified and effective regarding meeting the challenge of flood risk? Including:

Locally, Sandwell and the wider Black Country area faces flood risks from surface water, smaller watercourses, and sewer capacity issues, which are made worse by steep topography, historic culverting, and ageing infrastructure. Policy SCC5 is supported by a strong local evidence base through the Strategic Flood Risk Assessment (2020 - WAT003, updated 2024 - WAT004a) and other supporting flood risk evidence which sets proportionate requirements for site-specific Flood Risk Assessments (FRAs).

Policy SCC5 embodies the NPPF's principles by requiring proportionate flood risk assessments, prioritising risk avoidance, incorporating climate change resilience, and seeking environmental improvements alongside flood risk management.

Policy SCC5 requires a site-specific flood risk assessment that outlines the risk of flooding from all sources, including the most up to date information from SFRA's, and with consideration to climate change. The policy then sets clear thresholds for when FRAs and Surface Water Drainage Schemes are needed based on current and future flood risks.

The policy clearly sets a requirement for a Sequential Test in Section 3 and outlines the exemptions where this is not required. This aligns with NPPF allowing the Sequential Test to be omitted if a site-specific FRA shows that all parts of the development will be located entirely outside present and future flood risk areas, accounting for climate change.

Furthermore, Section 4 outlines the principles of the Exception Test in alignment with national policy.

In reflection of the context and condition of Sandwell's watercourses, the policy outlines practical measures for development to protect and improve watercourses, maintain appropriate distances from watercourses, and manage downstream flood risk. These are particularly important in Sandwell's context of a densely developed urban area with a heavily modified and culverted river network, and the position of the district within local river catchments. Additionally, these measures include the restriction on aquifer disturbance in Source Protection Zones.

The approach of Policy SCC5 is therefore justified based on the existing conditions and future risk of flooding, and effective in minimising the probability and consequence of flooding from all sources in the Borough by adopting a strong risk-based approach in line with national policy.

¹⁴ <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

It should be noted that, the Environment Agency were consulted throughout the local plan process and expressed the satisfaction with Policy SCC5. However, they requested for the re-insertion of section 15 of the Reg 18 version of the policy on achieving wider flood risk betterment. This has been proposed as an additional modification.

A) Are the requirements consistent with national policy?

Policy SCC5 reflects the principles set out in the 2023 NPPF, particularly paragraphs 165 to 175. It supports the national objectives of directing development away from areas of highest flood risk, and ensures that when development is necessary it is made safe for its lifetime, and prevents flood risk from being increased elsewhere through the application of the sequential and exception tests.

The requirement for a site-specific flood risk assessment aligns with the principle of paragraphs 166 and 173 (including) footnote 59, particularly in reference to the SFRA, which ensures that local information on all sources of existing and future flooding is considered in development proposals.

Furthermore, the policy aligns with the need to take a proactive approach to adaptation and mitigation to climate change and creates resilient places in alignment with paragraph 158.

As such, Policy SCC5 is consistent with national policy and responds to specific risks in the Borough, which is further supported by evidence (SFRA).

B) Is the approach to flood risk assessment proportionate?

As outlined in the previous two questions, Sandwell's topography, prevalence of impervious surfaces, historically culverted watercourses and densely populated areas places a relatively substantial risk from cumulative development contributing to flooding within the Borough.

Policy SCC51.a therefore provides a necessary and proportionate response to ensure that all development proposals are accompanied by an assessment of the risk from all sources of flooding, and from the effects of climate change to manage flood risk now and in the future. It may be that some assessments are very brief, but it is important that the risks are actively considered. Section 1 of the policy specifically references the Borough's SFRA, to ensure that local information of flood risk is included within the assessment, as noted above this aligns with footnote 59 of the NPPF.

Sections 2, 3 and 4 of the policy further outline the requirements for FRA's incorporating the sequential and exception tests for types of development and developments within certain flood zones which aligns with the risk-based approach to the location of development in the NPPF.

Overall, the policy's approach is consistent with the 2023 NPPF, which expects assessments to be proportionate to the nature, scale and location of development.

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

Sandwell's topography, prevalence of impervious surfaces, historically culverted watercourses and densely populated areas places a relatively substantial risk from cumulative development contributing to flooding within the Borough. Managing surface water through sustainable drainage is therefore a key policy to ensure that new development does not contribute to the

prevalence and severity of flooding. As such, policy SCC6 includes appropriate targets for the reduction of surface water flows for both minor developments and major developments.

Informed by Sandwell's specific context, and the issue of contaminated land, the policy takes a cautious approach to surface water quality and infiltration.

The policy recognises and encourages sustainable drainage solutions which incorporate environmental conservation and biodiversity enhancement through green and blue infrastructure. This aligns with the suite of climate change policies (SCC1-SCC6) which seek to ensure that new development mitigates and adapts to climate change and delivers resilient places and communities, as well as national policy's emphasis on sustainable and multifunctional drainage solutions. TSCC6.1 a & b therefore prioritise natural drainage solutions, but continue to align with the SuDS hierarchy by requiring drainage is in accordance with the SuDS hierarchy, if natural solutions are not feasible.

The policy differentiates between minor and major development, allowing for a proportionate approach. Minor developments outside of flood-prone areas are subject to lighter requirements, reducing unnecessary burdens, while major developments must provide detailed Flood Risk and Surface Water Drainage Assessments, including SuDS design. Furthermore, providing SuDS within all forms of development rolls over the requirement from the adopted Black County Core Strategy, and aligns with Sandwell's Design Guide.

Section 3 aligns with NPPF paragraph 175 requiring SuDS for all major development. The supporting text of the policy, paragraph 5.82 indicates flexibility in meeting greenfield runoff rates for major development, and requires that where this is not feasible, developers should provide evidence and propose suitable alternative measures. This balance between the necessity to reduce surface water flows and flexibility supports effective flood risk management without being overly prescriptive.

In alignment with the sustainable drainage hierarchy, the policies' supporting text references the Borough's canals as potential surface water discharge points. Recognising the role of the Canal and River Trust and the need for appropriate pollution controls and maintenance agreements ensures this option is explored responsibly. This reflects a locally tailored and practical approach to surface water management. Furthermore, the supporting text references established technical guidance such as the CIRIA SuDS Manual.

In summary, Policy SCC6 is consistent with the NPPF, justified by local environmental conditions, and effective in setting clear, proportionate expectations for sustainable drainage. It provides sufficient flexibility to accommodate site-specific constraints while promoting good practice. Therefore, it provides a robust framework to manage surface water sustainably and protect the local environment.

Q5.7 In terms of this issue, are any main modifications necessary for soundness?

Policy SCC1:

1. Rename Policy SCC1:

~~Energy Infrastructure~~ **Reducing operational carbon in new build residential development.**

2. Restructure section 3 as follows:

- b. *Major developments (residential development of ten or more dwellings) should include an assessment of decentralised energy networks within the Energy Statement:*

- ~~€ i.~~ *This assessment should outline existing or planned decentralised energy networks in the vicinity of the development and should assess the opportunity to connect to them.*
- ~~£ ii.~~ *Where there is an existing or imminently planned network, the general expectation to pursue a connection may be waived if it can be demonstrated that the development is not suitable, feasible or viable for district heat or decentralised energy networks, or that an individualised solution would result in lower overall carbon emissions than connecting to the decentralised network, taking into account that network's carbon emissions factors.*

- ~~c. €~~ *For developments of over 100 dwellings ...*

Policy SCC4:

Amend **SSC4.1(a)** -

*All large-scale major new residential **developments** (50 dwellings or more) and non-residential **developments** (5,000 m² floorspace or more) ~~developments~~ are required to complete a whole-life carbon assessment in accordance with RICS ~~Whole Life Carbon Assessment guidance~~ **with BS EN 15978 standard. The assessment should be based on the most appropriate and up-to-date guidance available that complies with the principles outlined in the BS EN 15978 standard. Guidance such as the RICS Whole Life Carbon Assessment guidance (2nd edition) may be used, among others.***

SSC4.4(a) Demolition audits

- a. *All major development sites that contain existing buildings / structures must carry out a pre-redevelopment and/or pre-demolition audit, following ~~an~~ well-established industry best practice method (e.g. BRE), **for larger structures or significant demolitions.***
- ~~b.~~ ***For smaller-scale demolitions, such as individual walls or small outbuildings, developers are required to consider material re-use where feasible, without the need for a full audit. A simplified, proportionate approach should be taken to assess potential material recovery and reuse.*** Outlined here: [sa-ed50-schedule-of-slp-proposed-main-modifications-june-2025](#)

Policy SCC5

Amend:

*6 iii. Not developing over culverted watercourses and allowing a suitable ~~easement~~ **distance** from the outside edge of the culvert.*

PAM56 [SA/ED3]

Add in:

7. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream.

This may be by:

a. provision of additional storage on site e.g., through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors; and / or

b. by providing a partnership funding contribution towards wider community schemes (both within and beyond the Black Country, in shared catchments with Southern Staffordshire and Birmingham).

PAM52 [SA/ED3]