

Report to Cabinet

11 September 2024

Subject:	Approval to publish the Sandwell Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
Cabinet Member:	Cabinet Member for Regeneration & Infrastructure Councillor Peter Hughes
Director:	Executive Director – Place Alan Lunt
Key Decision:	Yes Type (c) - an executive decision which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
Contact Officer:	Andy Miller – Strategic Planning & Transportation Manager andy_miller@sandwell.gov.uk Philippa Smith – Sandwell Plan Project Manager – Planning Policy Team philippa1_smith@sandwell.gov.uk

1 Recommendations

- 1.1 That, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, approval be given to the Publication of the Sandwell Local Plan, Sustainability Appraisal Reports and other material required for the publication (attached as appendices), for a period of six weeks commencing on 23 September 2024;
- 1.2 That Council be recommended to authorise the Executive Director - Place to submit, following publication and consultation, the Sandwell Local Plan, Sustainability Appraisal and all other appropriate documents, including any duly made representations, to the Secretary of State for Housing,

Communities and Local Government for Examination in Public under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

- 1.3 That the Executive Director - Place, in consultation with the Cabinet Member for Regeneration & Infrastructure, be authorised to make minor and other necessary amendments, if required, to the Sandwell Local Plan and its associated documents, prior to its Publication and Submission.

2 Reasons for Recommendations

- 2.1 It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. Following the demise of the Black Country Plan in 2022, Sandwell is producing its own plan – the Sandwell Local Plan. The previous Government had expressed a desire to see full Local Plan coverage across England by December 2023, with the last date for submitting a revised local plan under the current system being 30th June 2025. Consequently, officers have been working to a timetable that will enable the Sandwell Local Plan to be submitted prior to that date. The current timetable to produce the Local Plan is set out in the Sandwell Local Development Scheme which is available to view in the Planning Policy pages of the Sandwell website.
- 2.2 Following the General Election on the 4th July, the new Secretary of State for Housing Communities and Local Government has released a revised National Planning Policy Framework (NPPF) for consultation, the closing date for responses being 24th September 2024.
- 2.3 The consultation version of the NPPF proposes major changes to the plan-making process, including a requirement to review Green Belt boundaries to meet housing and other development needs, stronger policy support for clean energy initiatives and the introduction of mandatory housing targets.
- 2.4 The Government has published tables showing individual local authority housing annual targets based on the proposed new Standard Method compared to the target under the present method. For Sandwell, this

would result in a revised housing target of 1,509 new dwellings per annum (dpa) which is a reduction of 41 dpa on the current target.

2.5 In recognition that many local authorities are in the process of preparing new local plans under the current system, the Government has put in place transitional arrangements that enable those local authorities whose plans are at an advanced stage to continue towards adoption under certain conditions:

- for plans at examination, allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, authorities will be expected to begin a plan immediately in the new system.
- for plans at an advanced stage of preparation (at Regulation 19 stage), allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case authorities would be required to rework their plans to take account of the higher figure; and
- areas at an earlier stage of plan development should prepare plans against the revised version of the National Planning Policy Framework, once in force, and progress as quickly as possible.

2.6 It is therefore imperative that the Council seek to consult on and submit the emerging Local Plan for examination as quickly as possible to take advantage of the transitional arrangements.

2.7 Should the Local Plan be found 'sound' at examination and adopted by the Council, the consultation version of the NPPF would require the Council to commence a review of the Local Plan at the earliest opportunity. This is because the housing requirement within the emerging Local Plan is more than 200 dwellings lower than the proposed mandatory housing target for Sandwell.

3 How does this deliver the objectives of the Council Plan?

Growing Up in Sandwell	<p>The Local Plan helps to develop policies that will contribute to the delivery of facilities, services and opportunities for children and young people through the local plan process.</p> <p>Health and wellbeing is a key theme addressed throughout the documents of the Local Plan. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.</p>
Living in Sandwell	<p>The Local Plan will build in effective community involvement and will be important to local communities.</p> <p>the Local Plan will play an important part in delivering the spatial and land use aspects of the Council’s vision 2030, particularly as it relates to housing, employment, transport, environment and education goals.</p>
Thriving Economy in Sandwell	<p>The Local Plan will provide the regeneration framework for future investments and projects.</p> <p>Sustainability is a key theme addressed throughout the documents of the Local Plan. They will help to deliver sustainable, prosperous communities, an integrated transport network and reduce the need to travel by car.</p>

4 Context and Key Issues

Draft Local Plan

- 4.1 Following the initial Issues and Options consultation in early 2023, the Council consulted on a Draft Sandwell Local Plan in November/December 2023. Organisations, consultants, landowners, developers, the public and anyone else were invited to make representations on the draft plan between 6th November and 15th December 2023. The Council received 653 representations from 66 individual respondents. The main issues

arising from the consultation were reported to the Cabinet on 26th July 2023.

- 4.2 The representations received during the consultation on the Draft Plan and the Council's response to them will be published as part of the evidence base for the next stage of plan making which is the Examination in Public led by the Planning Inspectorate. Since the close of the Draft Plan consultation, officers have been working to produce the Publication version of the Sandwell Local Plan.

The Sandwell Local Plan (Publication version)

- 4.3 The Sandwell Local Plan results from extensive work which has taken place since 2016 when the process of producing the Black Country Plan began. A significant body of technical evidence was produced for the Black Country Plan and this has been used to inform the Sandwell Local Plan. The evidence includes Sandwell's future housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required), the employment land need and supply (including the suitability of existing employment premises for long term retention), and studies of town centres, waste, minerals and environmental studies including flood risk and greenbelt.
- 4.4 New evidence commissioned for the Sandwell Local Plan includes:
- A sustainability appraisal
 - an update of the transport modelling,
 - an Infrastructure Development Plan,
 - a Viability and Deliverability Assessment,
 - nature conservation assessments,
 - a review of the Rowley Hills Strategic Open Space
 - an assessment of council owned sites as receptors for Biodiversity Net Gain.
 - an update to the Strategic Flood Risk Assessment
 - a Jobs and Alignment Study
 - a refresh of the Black Country Centres Study
 - a review of the climate change policies

- an update of the Sandwell Green Space Audit
- a refresh of the Employment Needs Assessment (EDNA)
- a refresh of the Strategic Housing Market Assessment (SHMA)

Alongside this, a detailed assessment of over 120 potential sites to be allocated in the Plan has been carried out to determine which site allocations would be most appropriate for the Plan. All of this evidence will be available on the Sandwell website.

Key Elements of the Sandwell Local Plan

4.5 The draft Sandwell Local Plan will comprise the following elements:

- Sandwell 2041: the spatial vision, priorities and objectives
- The Spatial Strategy
- The Development Strategy
- Local Plan Policies
- The Site Allocations
- The Policies Map
- Sustainability Appraisal

4.6 Cabinet will note that the full text of the Sandwell Local Plan and its appendices, along with the Policies Map, the Sustainability Appraisal and its appendices and the Equalities Impact Assessment are attached as appendices to this report. The other supporting documents can be found on the Sandwell website.

<https://www.sandwell.gov.uk/planning/sandwell-local-plan/2>

4.7 This section of the report provides a brief overview and summary of some of the key aspects of the draft Sandwell Local Plan.

Sandwell 2041: The Vision

4.8 The Vision for Sandwell in 2041 includes the Council being at the forefront of the climate change agenda and mitigating the impacts of climate change. This added to healthier residents, a sustainable economy and thriving town centres will put Sandwell at the forefront of urban renaissance in the West Midlands region.

The Spatial Strategy

- 4.9 The proposed Spatial Strategy aims to achieve a balance of housing and employment growth across the borough while at the same time, incorporating many elements of a green growth strategy.
- 4.10 The strategy is realistic about what is achievable over the next 15 years, whilst at the same time being forward-looking and designed to deliver development that positively enhances opportunities for Sandwell residents to benefit from a greener and healthier environment. As well as being an important factor in people's health and wellbeing, a green environment is one that is more attractive to investors and future residents.

Climate Change

- 4.11 The approach to climate change within the draft Sandwell Local Plan continues to deliver the approach set out in the Black Country Plan and will help developers and local people be clear about what they can do to help the Council address the issues. Climate Change is now very much an issue for Local Planning Authorities and it is important that the council sets out its requirements in the Sandwell Local Plan, especially where we are pursuing our own agenda, such as heat networks for West Bromwich, power from waste etc. This approach aligns with the Council's adopted Climate Change Strategy and supports other aspects of the Council's climate change agenda.
- 4.12 The climate change policies, which were originally produced in 2019, have just been subject to a review. They have been updated to include a challenging but deliverable approach to renewable energy for new housing developments, including the use of a "fabric first" approach combined with the provision of on-site renewables such as photovoltaic panels. This will not only help the Council meet its aims for a zero carbon Sandwell but will also reduce fuel bills for residents by ensuring new homes are as sustainably built and energy efficient as possible.

Development Strategy

- 4.13 The policies that make up the development strategy set out the scale and distribution of new development for the Local Plan period to 2041 and aim to achieve the following:

- the delivery of at least 10,434 net new homes and create sustainable mixed communities including a range and choice of new homes.
- the retention and protection of at least 1,221ha of employment land (of which 28ha is currently vacant).
- ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements.
- increased access to green spaces and new public open spaces.
- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so.
- resisting inappropriate development in the green belt.
- promote the use of zero- and low-carbon designs, building techniques, materials and technologies in all new development.
- delivering as much new development as possible on previously developed land and sites in the urban area.
- regenerating existing housing and employment areas.
- supporting and enhancing the sustainability of existing communities through the focussing of growth and regeneration into West Bromwich and other town centres and regeneration areas.

Housing and Employment Land

- 4.14 Housing need is now determined by the standard method set by the Government. This indicates that an additional 26,350 homes need to be provided across Sandwell over the period 2022-2041. Sandwell currently is only able to accommodate approximately 10,434 new dwellings during this period. This has left the council with a substantial shortfall in housing supply of approximately 15,916.
- 4.15 Employment land need has been determined through the economic forecasts in the Black Country Employment Demand and Needs Assessment (EDNA) up to 2041. Based on past completions, the mid-scenario figure of 185ha identified in the EDNA is considered

achievable over the plan period, plus 26ha of employment land lost over the plan period to other uses gives a total short fall of 211 hectares. The supply of land available and suitable for employment use is just 42ha (including past completions for the period 2020 – 2022). This includes windfall supply, generated through intensification / recycling, resulting in a vacant land supply of 28ha. Therefore, the total shortfall of employment up to 2041 is 169 hectares. Any remaining shortfall will be met in the Black Council Functional Economic Market Area (the Black Country FEMA). The local authorities that form part of the Black Country FEMA have been engaging through the Duty to Cooperate to help address the shortfall across the Black Country FEMA as a whole.

4.16 Most of the development in the existing urban area is making use of brownfield land (i.e. previously developed land), vacant properties and surplus industrial land. This land is located in:

- West Bromwich Town Centre.
- The core Regeneration Areas of West Bromwich and Carters Green, Dudley Port, Smethwick and Wednesbury to Tipton metro line
- Existing Towns and Neighbourhoods Areas.

4.17 However, due to the constrained nature of Sandwell, in that it is an historic industrial area with many ground condition issues and is surrounded by metropolitan urban areas, the identification of new sites is difficult. This means that we are running out of land for new housing. In addition, due to Sandwell's relatively small amount of Green Belt and its significant constraints, such as Nature Conservation protection and Flood Zone restrictions, the council will not be allocating any sites within the Green Belt.

Duty to Co-operate

4.18 To try to address some of the housing shortfall, Sandwell has been continuing with the Duty to Cooperate discussions with neighbouring authorities that were started as part of the Black Country Plan. Discussions with local authorities within the Housing Market Area and

beyond have been continuing with some progress being made regarding contributions. However, the recent consultation on the revised National Planning Policy Framework (NPPF) and revised method for calculating housing need has increased the housing requirement for some of the local authorities within the HMA. This may delay any negotiations regarding housing contributions available to Sandwell to meet our housing shortfall until the final NPPF has been released later this year. Sandwell will continue discussions with these authorities to clarify whether these offers are still available to us. Discussions are also on-going with the Black Country authorities to agree how any remaining offers are apportioned within the Black Country. It is anticipated that the Duty to Co-operate discussions will form a substantial part of the Local Plan's Examination in Public. However, despite any contributions, Sandwell will still have a substantial housing shortfall.

Local Plan Policies

- 4.19 The Local Plan includes several new and updated policies. The existing Black Country Plan policies, Site Allocations & Delivery Plan and Area Action Plan policies and master planning work have been carried forward into the Plan with some updating. There are a number policy changes or updates which will be addressed in the following paragraphs.

Green Belt

- 4.20 The policy aims to maintain a defensible boundary around the Sandwell green belt, to maintain the separation between Birmingham and Walsall, to help promote urban renaissance, to maximise its role in helping to mitigate climate change impacts and to support easy access to the countryside for residents. Sandwell green belt's nature conservation, landscape, heritage and agricultural value will be protected and enhanced.

Housing

Affordable Housing and Accessible Housing

- 4.21 To meet local needs, the Draft Local Plan policy required that a sufficient proportion of new homes provided over the plan period

should be affordable. The policy stated that the minimum proportion of affordable housing that should be provided, subject to viability, is 25%. In addition, 25% of the affordable homes required by the policy will be First Homes tenure, as defined in national guidance. The remaining tenures will be determined by local need.

- 4.22 However, due to issues relating to viability, it was agreed to amend Draft Plan policy SHO4 that sought 25% affordable housing on sites of 10 homes or more to a policy, supported by evidence, that seeks a percentage that ranges between 10-25% depending on whether the site is a brownfield or greenfield site, and whether it is in a low, medium or higher value zone. In addition, it was agreed that Draft Plan policy SHO5 - Delivering Accessible and Self / Custom Build Housing be amended to remove the reference to homes meeting BR Standard M4(3)b (where a home is wheelchair accessible). This is because the delivery of this standard is not viable anywhere in the borough due to the costs of construction.

Houses in Multiple Occupation (HMO)

- 4.23 An HMO is defined as homes accommodating three or more unrelated households who typically share kitchens, lounges, and bathrooms. There are a significant number of HMO properties in Sandwell and it is recognised that an over-concentration of HMO properties can lead to a loss of family-sized units in an area which is the type of house in greatest need. This can pose a significant issue for maintaining a mixed sustainable housing offer across Sandwell. The Local plan includes a policy that introduces a 10% threshold for HMOs which means that no more than 10% of houses within a 100m radius of the planning application site can be HMOs. There is also a new policy to protect family housing and prevent subdivision and conversion to small HMOs.

Housing for People with Special Needs

- 4.24 The Plan includes a policy for Housing for People with Special Needs. The policy states that any new proposals for specific forms of housing including children's homes, care homes, nursing homes, extra care facilities are best located in areas that are close to local facilities and

amenities and accessible by public transport, whilst not having a negative impact on the surrounding area.

Employment Land

- 4.25 The employment land policies aim to ensure sufficient development opportunities are provided to meet the demand for economic growth and support the diversification of Sandwell's economy. The policies aim to deliver a portfolio of sites of various sizes and quality to meet a range of business needs, both strategic and local needs.
- 4.26 The Strategic Employment Areas are characterised by excellent accessibility, high-quality environments and clusters of high technology growth sector businesses. These areas will be safeguarded for manufacturing and logistics uses within Use Classes E(g)(ii), E(g)(iii), B2 and B8. The Local Employment Areas are characterised by a critical mass of industrial, warehousing and service activity with good access to local markets and employees. These areas will provide for the needs of locally based investment.

Centres and Regeneration Areas

Centres

- 4.27 The priority for Sandwell's centres is to ensure they remain focused on serving the needs of their communities, through delivering a well-balanced diversity of commercial, business and service functions. This includes retail provision and an increasing mix of leisure, office, residential and other appropriate, complementary uses that are accessible by a variety of sustainable means of transport. This will enable centres to make a key contribution to regeneration, tackling climate change, fostering healthy communities, and creating pleasant, safe public spaces to increase social interaction and cohesion. The centres have been placed into a hierarchy to ensure that any development in centres reflects the centre's scale, role, and function and that any proposals that would undermine this strategy are resisted. A series of policies have been included within the Plan to help to achieve this aim.

Regeneration Areas

- 4.28 The Regeneration Areas identified on the Policies Map, along with the strategic centre of West Bromwich, will be the focus for new development, regeneration, and public and private investment in the borough. Proposals will be subject to relevant development plan policies and the form and location of regeneration will be guided by masterplans and /or design briefs, which will be prepared by the Council in partnership with developers, promoters and other stakeholders.
- 4.29 Regeneration Areas have been identified in:
- West Bromwich and Carters Green
 - Dudley Port
 - Smethwick
 - Wednesbury to Tipton Metro Corridor
- 4.30 A minimum of 3,414 new homes of mixed type and tenure will be delivered in these areas, plus those allocated in West Bromwich. The regeneration areas will be the principal locations for strategic employment areas and provision of high-quality employment areas.

Transport

- 4.31 It is acknowledged that the Covid-19 pandemic and its aftermath, and the resultant shift towards homeworking, has impacted on the way in which transport is used. There has been a significant impact on public transport patronage levels which may take many years to recover to pre-pandemic levels. However, high-quality public transport combined with the provision of an extensive safe and convenient active travel (walking and cycling) network remains at the heart of the West Midlands transport strategy.
- 4.32 Key transport priorities identified for delivery during the lifetime of the Sandwell Local Plan currently include the following:
- M5 Improvements (Junctions 1 and 2)
 - Midlands Rail Hub
 - Wednesbury – Brierley Hill Metro corridor
 - A34 Walsall Road Sprint Corridor
 - Walsall – Stourbridge corridor tram-train extensions
 - A4123 Corridor Upgrade

- A461 Black Country Corridor
- A457 / B4135 Oldbury, Smethwick to Birmingham Corridor
- A4034 Blackheath and Oldbury Corridor
- Dudley Port Integrated Transport Hub

Car Parking

4.33 The correct balance needs to be found between managing and pricing of parking to maximise the use of sustainable travel means to enter town and city centres, whilst avoiding restricting parking to the extent that consumers are dissuaded from using town centres and deterring new development. Therefore, the Plan contains a policy for parking management. The policy aims to ensure that parking is not used as a tool for competition between centres and supports parking for leisure and retail customers. The policy also sets out maximum parking standards for new developments as set out in the current guidance. Providing more convenient, secure and accessible cycle parking will be a critical part of increasing cycling in Sandwell and making it a natural first choice for journeys. Another key aim is to provide electric vehicle charging points in car parks and other public locations.

Policies relating to reducing car dependency

4.34 In response to representations received during the Reg18 Draft Plan consultation, it was agreed that the SLP should seek to “investigate road space reallocation wherever physical constraints permit it” with the caveat that the policy must have due regard to the Council’s statutory network management responsibilities as Local Highway Authority. It was further agreed the SLP should continue to promote accessible neighbourhoods and design concepts that promote alternative modes of transport to the private car.

Biodiversity Net Gain (BNG)

4.35 The Council is committed to meeting its “Biodiversity Duty” under the Natural Environment and Rural Communities Act (2006) and to delivering the principles of the NPPF by proactively protecting, restoring and creating a richer and more sustainable wildlife and geology. With regard to our approach to Biodiversity Net Gain (BNG) the council is adopting a positive approach to solving the problem of a lack of opportunities for habitat

improvement in Sandwell and delivering at least 10% BNG by identifying sites and projects on our own land that can be made available where developers don't have sufficient land available to them on their sites. This will enable Sandwell to benefit from retaining BNG units in the borough.

Rowley Hills Strategic Open Space

4.36 The Council has commissioned consultants to assess the current Strategic Open Space designation of the Rowley Hills and provide a reasoned justification for its continued designation as a Strategic Open Space. The evidence suggests that the Rowley Hills remains an important area for recreation and biodiversity and the protection of the openness of the area should continue. Therefore, the Rowley Hills will remain designated as strategic open space and the policy will be updated to reflect the recent survey work and assessment.

Development Management Policies

4.37 The development management policies will remain in the plan and have been updated to reflect current circumstances and to take into account any changes in legislation. However, two policies have been included in the Plan for the first time - Hot Food Takeaways and Gambling Institutions.

Hot Food Takeaways

4.38 The Council has pledged to improve its population's health and wellbeing and to reduce health inequalities. One of the challenges the Council faces in promoting healthy eating is the unrestricted availability of foods high in fat, salt and sugar in local neighbourhoods, often associated with hot food takeaways. Therefore, controls over the prevalence of hot food takeaways (HFTs) have been set out in planning policy.

4.39 The policy introduces a limit for the appropriate number of HFTs in centres as follows:

- 40 units or more = no more than 7% of frontages
- less than 40 units = no more than 12% of the frontages

This includes planning permissions and vacant units with an HFT as their lawful use.

4.40 The policy also introduces a limit on the clustering of HFTs as follows:

- No more than two hot food takeaway outlets should be located next to each other
- No new hot food takeaway developments will be permitted where they are within 400 metres of a secondary school or college site.

Gambling Activities and Alternative Financial Services

4.41 The draft plan introduces a policy that will ensure that planning permission for a payday loan shop, pawnbroker, amusement arcade or betting shop within a retail centre will not be granted if to do so would cause an unacceptable grouping of uses that would have a negative impact on the character and vitality of the centre. Depending on the size of the centre, a threshold of between 5% and 10% will be applied to these uses, above which planning permission will not be granted. In addition, permission will not be given if two or more of these uses are located immediately adjacent to each other, or if there are fewer than two units in other uses between gambling or arcade uses.

Site Allocations

4.42 To identify as many sites as possible to meet the identified need for both housing and employment land in the borough, a rigorous site assessment process has been undertaken following the methodology as was used for the Black Country Plan. From this analysis and the subsequent sustainability appraisal, we selected the most appropriate sites for allocation for housing, employment and Gypsy and Travellers. The current list of sites is included as an appendix to the Draft Local Plan document (appendix A). An interactive version of the Policies Map will be available on the Sandwell Plan web page.

Infrastructure Provision

4.43 Officers have engaged with colleagues in Education, Utilities, Healthcare, Adult Social Care, Sport and Recreation, Parks, Burials and Crematoria, Flood Risk and Transport. Evidence so far is indicating that there are no major infrastructure 'showstoppers' which would prevent the deliverability of the proposed sites. Infrastructure provision such as open space, schools and health provision have also been factored into new policies. The Infrastructure Delivery Plan, which includes a schedule of proposed infrastructure, will be available on the Council's website.

Sustainability Appraisal

4.44 The Council is required to assess the environmental impacts of any plan which it produces. The Sustainability Appraisal is an iterative document that is updated for each stage of the Local Plan's production. This version of the Local Plan (the Publication version) is accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. These documents form an important part of the supporting evidence to the local plan review and help the Council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. The latest version of the Sustainability Appraisal and its appendices are attached as an appendix to this report.

Economy, Skills, Transport & Environment Scrutiny Board Working Group

4.45 The draft Publication Sandwell Local Plan was considered by a working group of the Economy, Skills, Transport & Environment Scrutiny Board during August 2023. The working group made the following recommendations:

- *That a commitment to supporting care leavers to access jobs via labour market provision is considered and explored (as part of Policy SEC5);* The supporting text has been amended in line with this recommendation.
- *That the impact of upcoming ward boundary changes on affordability calculations once new boundaries are finalised is considered;* The supporting text to Policy SHO5 has been amended in line with this recommendation.
- *That traditional Gypsy, Romany and Traveller (GRT) routes are considered when exploring potential sites for use by GRT communities;* The supporting text for policy SHO9 has been amended in line with this recommendation.

The Next Steps – Publication and Submission of the Sandwell Local Plan

4.46 Following approval from Cabinet, it is proposed to publish the Sandwell Local Plan for a six-week period, between 23rd September 2024 and 4th November 2024. This consultation period asks for representations as to how the Sandwell Local Plan meets the Tests of Soundness as set out in

the National Planning Policy Framework (NPPF). To meet the Tests of Soundness, the Local Plan should:

- Be prepared with the objective of contributing to the achievement of sustainable development.
- Be prepared positively, in a way that is aspirational but achievable.
- Be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.
- Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- Be accessible through the use of digital tools to assist public involvement and policy presentation; and
- Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the NPPF).

4.47 The Council will receive and log any representations that are duly made during the consultation period.

4.48 Subject to approval of the recommendation at paragraph 1.1, a separate report will be tabled at the meeting of The Council on 22nd October 2024, seeking approval to submit the Sandwell Local Plan, along with the Policies Map, the Sustainability Appraisal, all other documents appropriate and relevant to the Sandwell Local Plan, and all duly made representations, to the Secretary of State for Housing Communities and Local Government, via the Planning Inspectorate, for its Examination in Public during 2025.

5 Alternative Options

5.1 The preparation of a Local Plan is a statutory requirement under the Town and Country Planning (Local Planning) (England) Regulations 2012. The process for preparing a Local Plan is set out in additional legislation and guidance. As a result, there are no alternative solutions to the preparation of a new local plan for Sandwell, which is a matter of increasing urgency. Options relating to the form and content of the Local Plan were set out in the report to Cabinet on 16th November 2022.

6 Implications

Resources:	<p>The resource implications of preparing the Sandwell Local Plan were outlined in the Cabinet report on 16th November 2022. It was estimated in the Cabinet report that the costs of refreshing existing evidence and the commissioning of new evidence, would require c£500k over the four financial years covered by the plan preparation timetable. Following this report Cabinet approved an additional annual budget allocation of £60k, over and above the existing budget, which was added to the base budget in 2023/24. It was also agreed that the Regeneration and Growth Directorate would allocate up to £80k per annum from Regeneration reserves from 2023/24 to 2025/26 to meet any remaining funding gap. The current 2024/25 budget available to fund the evidence gathering, legal fees (including Counsel advice), the Examination in Public, and a temporary Programme Officer and Planning Inspector is £137k.</p> <p>Some evidence is continuing to be produced jointly with the other Black Country authorities and is funded through contributions made in previous years.</p> <p>Actual spend on the Sandwell Local Plan is as follows: 2022/23 = £23,000 52023/24 = £205,000 This includes £35k for work done at a Black Country level relevant for the SLP. 2024/25 = £355k forecast spend (including Black Country work relevant to the SLP of £111k).</p> <p>In 2024/25 this would be an additional cost of £218k over and above the current budget. If a share of the work done at a Black Country level cannot be recharged to other Black Country Local Authorities the additional cost will be met from Regeneration reserves.</p>
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	<p>Additional funding has also been received from DEFRA which was used to commission the evidence for the implementation of the Council’s duty to Biodiversity Net Gain and from Sport England, as a contribution towards the production of the Black Country Playing Pitch Strategy.</p> <p>Spend for 2025/26 is difficult to forecast as it is dependent on the length of the Examination in Public and consequently the number of days we require a Planning Inspector and a Programme Officer, the number of representations to the Plan and whether we require any advice from Counsel to take them forward to the Examination.</p>
<p>Legal and Governance:</p>	<p>The process for the preparation of development plans is set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>In accordance with section 15 of the Planning and Compulsory Purchase Act 2004, every local planning authority must prepare planning policy documents and maintain the Local Development Scheme, specifying the documents that will be local development documents; their subject matter and area; and the timetable for their preparation and revision.</p> <p>There are three consultation periods that are statutory requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012; Issues and Options consultation (Regulation 18); Preferred Options/Draft Plan consultation (Regulation 18) and Publication/Pre-submission consultation (Regulation 19).</p>
<p>Risk:</p>	<p>The Council’s corporate risk management strategy has been complied with, to identify and assess the</p>

	<p>risks associated with this decision/recommendation. The following should be noted:</p> <p>Failure to have a Local Plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development taking place in inappropriate or harmful locations, leading to an inefficient use of resources, traffic congestion and other harm.</p> <p>Having an up-to-date Local Plan in place is also essential to defend the Council's position at planning appeals. In the event of the Council not having, or working towards, an up-to-date Local Plan, there is a risk of intervention from Central Government which may compromise the ability to take decisions locally.</p>
Equality:	<p>An Equalities Impact Assessment has been carried out for the Draft Sandwell Local Plan and further iterations will be completed for future stages of the plan's production. This ensures that any impacts likely to affect local communities / groups / individuals can be considered when decisions are made on the content and direction of the Local Plan. The EqIA is attached as appendix E to this report.</p>
Health and Wellbeing:	<p>Health and wellbeing are key themes which will be addressed throughout the Local Plan. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.</p> <p>The Local Plan will be accompanied by a Health Impact Assessment.</p>
Social Value:	<p>The Local Plan will play an important part in delivering the spatial and land use aspects of the Council's</p>

	vision 2030, particularly as it relates to housing, employment, transport, environment and education goals.
Climate Change:	<p>The main strategic objective of the Sandwell Local Plan is to ensure that new development takes a proactive approach to climate change mitigation, adaptation and carbon reduction, and that development is resilient to climate change. Other objectives include:</p> <ul style="list-style-type: none"> • the need to protect and enhance Sandwell’s natural environment, natural resources, biodiversity, wildlife corridors geological resources, countryside and landscapes, whilst ensuring that residents have good access to interlinked green infrastructure. • improving energy efficiency and a move towards becoming zero carbon. • help decarbonise the transport system by locating developments sustainably.
Corporate Parenting:	<p>The Sandwell Local Plan is a plan for the future (2041) and therefore, the council is aiming to engage young people in the forming of the final Plan. The Plan aims to future proof the Borough against the impacts of climate change, leaving a legacy for young people. Policies and proposals in the Plan aim to ensure that the education requirements arising from new development will be delivered and good quality jobs are available once young people leave education, along with a choice of living accommodation that will meet their needs.</p>

7. Appendices

Publication version of the Sandwell Local Plan and appendices

Draft Policies Map

Sustainability Appraisal and appendices

Equalities Impact Assessment

8. Background Papers

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The National Planning Policy Framework (Dec 2023)

Report to Cabinet – 16/11/22

Report to Cabinet – 18/10/23

Sandwell Local Development Scheme (November 2023)

Consultation on Revisions to the National Planning Policy Framework
(2024)