

Report to Council

29 October 2024

Subject:	Approval to submit the Sandwell Local Plan 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
Cabinet Member:	Cabinet Member for Regeneration & Infrastructure Councillor Peter Hughes
Director:	Executive Director - Place Alan Lunt
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1 Recommendations

- 1.1 That the Executive Director - Place be authorised 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.

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 has produced its own plan – the Sandwell Local Plan. The current timetable for preparation and adoption of 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. This timetable envisaged submitting the plan to the Secretary of State for Housing, Communities and Local Government in January 2025.

- 2.2 As part of its reforms to the planning system, the previous Government had expressed a desire to see full Local Plan coverage across England by December 2023 or as soon as practicable after that date, 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.
- 2.3 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 proposed NPPF includes revisions to how housing need is calculated that would result in amended targets for individual local authorities. The closing date for responses to this consultation was 24th September 2024 with the new NPPF intended to come into force by the end of the year.
- 2.4 The impact of the proposed new method for calculating local housing need is that Sandwell's annual target would experience a modest reduction of 41 dwellings per annum.
- 2.5 The Government also intends to introduce the Planning & Infrastructure Bill during the current session of Parliament which will include changes to how local plans are prepared.
- 2.6 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;
 - a) 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;
 - b) 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

- c) 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.

2.7 Following Cabinet’s approval to publish the Sandwell Local Plan at its meeting on 11th September, the local plan is now at Regulation 19 stage. This, combined with the small reduction in annual housing need resulting from the new method, means that the Plan meets the conditions in (b) above and can thus be submitted to the Secretary of State for Examination in Public following the conclusion of the six-week publication period on 4th November.

3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	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.
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 Plan, particularly as it relates to housing, employment, transport, environment and education goals.</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>
Thriving Economy in Sandwell	The Local Plan will provide the regeneration framework for future investments and projects, identifying land for required future employment generation and the transport and other infrastructure required to support that need.
Healthy in Sandwell	Health & 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.

One Council One Team	The Sandwell Local Plan provides the spatial framework for the future growth of the borough. As such, provides the context within which the majority of the Council's functions will be delivered over the plan period, touching on the physical aspects of housing, employment, leisure, environment, transport, health and education.
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4 Context and Key Issues

- 4.1 The Local Plan is the key planning document for the Borough. It sets out how the development needs for the Borough will be addressed through site allocations, identifying the infrastructure needed to support this, addressing climate change and protection for green spaces. The Local Plan contains the policies against which all planning applications are assessed as well as being the framework that supports bids for Government funding for regeneration.
- 4.2 Once adopted, the Sandwell Local Plan will replace the suite of documents that currently make up the adopted Local Plan for the Borough. These include the Black Country Core Strategy (2011), Sandwell Site Allocations & Delivery Plan (2012) and Area Action Plans for Smethwick (2008), Tipton (2008), and West Bromwich (2012).
- 4.3 It had been intended that Sandwell, along with Dudley, Walsall and Wolverhampton councils, would prepare a new joint Local Plan called the Black Country Plan (BCP). Work on this began in 2016.
- 4.4 However, following the withdrawal of Dudley Council from the BCP in 2022, it was agreed that work on the BCP would cease, and each Council would prepare its own Local Plan. Preparation of the Sandwell Local Plan began in October 2022.
- 4.5 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 responses to that consultation informed the 'Publication' version of the plan which was approved at Cabinet on 11th September (Cabinet Minute 94/24) and is currently out for consultation, closing on 4th November.

4.6 Following closure of the Publication Plan consultation period, the next stage is for Council to submit the Local Plan and all its supporting documentation along with all duly made representations to the Secretary of State for Examination in Public (EIP) by an appointed independent inspector. The Inspector's role is to determine whether the plan is considered 'sound' and thus capable of being formally adopted by the Council.

4.7 The EIP is likely to take place during 2025 and, assuming the plan is found to be sound, it is hoped that it will be adopted before the end of 2025 or early 2026 at the latest.

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 and updated in the report to Cabinet on 11th September 2024.</p> <p>There are no direct resource implications arising from the course of action recommended in this report. However, there are costs associated with the Examination in Public which are covered in the report of 11th September, 2024.</p>
Legal and Governance:	<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 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>
<p>Equality:</p>	<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</p>

	<p>production. This ensures that any impacts likely to affect local communities / groups / individuals can be taken into account when decisions are made on the content and direction of the Local Plan.</p>
<p>Health and Wellbeing:</p>	<p>Health and Wellbeing is a key theme 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>
<p>Social Value:</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>
<p>Climate Change:</p>	<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.
<p>Corporate Parenting:</p>	<p>The Sandwell Local Plan is a plan for the future (2041). 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

- A - Publication version of the Sandwell Local Plan and appendices
- B - Draft Policies Map
- C - Sustainability Appraisal and appendices
- D - Equalities Impact Assessment

8. Background Papers

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The Levelling Up & Regeneration Act 2023

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)

Report to Cabinet – 11/09/24