

CABINET

Report Title	Approval of Main Modifications to the Sandwell Local Plan
Date of Meeting	Wednesday, 9 April 2025
Report Author	Andy Miller - Strategic planning & Transportation Manager Philippa Smith – Sandwell Local Plan Project Manager
Lead Officer	Executive Director - Place
Lead Cabinet Member(s)	Cabinet Member for Regeneration & Infrastructure
Why is this a key decision?	1. Expenditure over £1 Million+ No 2. Significant impact on 2 or more wards Yes
Wards Affected	(All Wards); Rowley (proposed site allocation)
Identify exempt information and exemption category	Open
Is the report urgent?	No
Reasons for urgency (only where applicable)	N/A
Appendices (if any)	1. List of proposed Main Modifications to the Sandwell Local Plan

1. Executive Summary

- 1.1 To seek approval to submit Main Modifications to the Examination in Public for the Sandwell Local Plan.
- 1.2 Cabinet approval is required to submit the proposed Main Modifications, as discussed in this report and attached as appendix one, to the Examination in Public into the Sandwell Local Plan. These proposed modifications have arisen

as a result of public consultation into the Sandwell Local Plan during October/November 2024. The modifications will be addressed by the Planning Inspector appointed to oversee the Examination and will be subject to further public consultation.

Recommendations

2.1 The Cabinet is recommended to:

- Approve the submission of the Main Modifications to the Examination in Public into the Sandwell Local Plan.

3. Proposals – Reasons for the recommendations

3.1 Following a consultation period in November / December 2024, the Sandwell Local Plan (SLP), along with the representations made during the consultation, was submitted to the Secretary of State for Housing, Communities and Local Government for independent examination by a Planning Inspector.

3.2 Representations received during the consultation period identified potential changes to the SLP which could help to resolve any soundness and legal compliance issues with the plan, including a residential site allocation. However, any change to the submitted plan that would materially affect one or more of the plan's policies can only be made as a main modification (MM) recommended by the Inspector. Therefore, it is also possible that the Inspector will identify further main modifications to the SLP throughout the Examination.

3.3 All proposed MMs must be subject to public consultation. The general principles for consulting on main modifications are as follows:

- it will be made clear that the consultation is only about the proposed MMs and any policies map changes and that all representations made will be taken into account by the Inspector;
- the consultation document will include all the proposed MMs, making no distinction between those originally proposed by the LPA and those proposed by the Inspector or others;
- the nature and duration of the consultation should reflect that of the consultation held at Regulation 19 stage, where appropriate. This means it should last at least six weeks and will seek written responses to the proposed changes.

3.4 In Sandwell's case, one of the main modifications involves the allocation of an additional housing site that did not appear in the submitted plan. Therefore, it is possible that the Inspector may ask the council to undertake consultation on this site as a separate process, before the schedule of MMs is agreed. This will enable the Inspector to consider the representations on the additional site, and if necessary, hold further hearing sessions to discuss it, before consultation on the other MMs takes place. No further consultation on the additional site will usually be necessary unless subsequent substantive changes to it are also proposed.

3.5 The Inspector will consider all representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs.

The Main Modifications

Proposed Residential Site Allocation - Part of Rowley Regis Golf Course, Tippity Green, Rowley Regis B65 9EJ

- 3.6 This is a 10.3ha site in Rowley Regis, capable of accommodating approximately 250 new homes. The site is allocated in the existing development plan for housing. However, the allocation was not included in the draft SLP as the landowner did not signal their intention to develop the site when the SLP was being prepared.
- 3.7 It was first promoted to the SLP at Regulation19 consultation stage. A national housebuilder has agreed draft heads of terms for acquiring an interest in the site and intends to submit a planning application and build out a residential development on adoption. The council's Site Assessment concluded that the site is appropriate for residential use. The allocation of this site is necessary to ensure the SLP is positively prepared and is seeking to meet objectively assessed housing needs (NPPF 36(a)).
- 3.8 This site provides an opportunity to build approximately 250 new homes in a predominantly residential area. The site is well connected to local schools and services. Although development may have a negative impact on a local nature conservation designation (Alsopp's Hill SINC), there will be opportunities to reduce any adverse impacts and also to enhance the biodiversity value of the area, as well as the adjoining driving range and existing golf club, as part of the development. An aerial photograph showing the extent of the site is attached as appendix two to the report.

Policy SCC4 - Embodied Carbon and Waste

- 3.9 Following the Regulation19 consultation, the consultants commissioned by the council to advise on climate change policies suggested the following changes to policy SCC4 - Embodied Carbon and Waste, would improve the policy (changes in bold):

"SSC4(1a) - All large-scale major new residential developments (50 dwellings or more) and non-residential developments (5,000 m² floorspace or more) are required to complete a whole-life carbon assessment **in accordance 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 (4a) - All major development sites that contain existing buildings or structures must carry out a pre-redevelopment and/or pre-demolition audit, following an established industry best practice method (e.g. BRE), **for larger structures or significant demolitions.**

SSC4 (4b) - **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.**" ...

- 3.10 The original reference to the RICS Whole Life Carbon Assessment guidance was included based on the expertise and recommendations from industry

professionals at the time of drafting the policy. In response to a subsequent representation, it was felt that there could be benefits to referencing the BS EN 15978 standard (also mentioned in Policy SCC4 (2a)), which is widely recognized and establishes a solid, internationally accepted framework for whole life carbon assessments. It is important for policies to be proportionate and not impose unnecessary burdens on small-scale developments. The policy applies to major developments.

- 3.11 The intent of section (4) of the policy was to ensure that all demolitions, particularly larger-scale demolitions, consider the potential for material re-use and waste minimisation. However, requiring a full pre-demolition audit for small-scale structures, such as a small wall or outbuilding, may not be reasonable or practical. The amended policy clarifies this aspect. The amended policy also does not prescribe an approach (although identifies BRE as a potential method), allowing pragmatism to be applied to reflect individual contexts.

Removal of Hill House Farm as a Potential Habitat Bank for Biodiversity Net Gain (BNG)

- 3.12 Following further detailed work as part of the ongoing Local Investment in Nature Capital (LINC) project being run by the Department of the Environment, Food and Rural Affairs (DEFRA) and the West Midlands Combined Authority (WMCA), whereby local authorities are being supported in bringing forward new habitat bank sites on land they own, issues with the identification of Hill House Farm as a potential habitat bank arose. This means that it would not be available to the extent originally envisaged to provide off-site BNG units.
- 3.13 As part of the proposed main modifications to the Sandwell Local Plan, two sites have been identified as suitable substitutes for it – Hill Farm Bridge fields (already listed in the table of sites in section 6 of Policy SNE2) and Ray Hall pastoral land. This latter site was assessed during the work carried out by consultants to identify potential Council-owned sites for BNG but was not included originally in the SLP. Working with the LINC team, it has been identified as a suitable replacement site. Ray Hall pastoral land and Hill Farm Bridge fields will be considered (for the purposes of the LINC project) as a single habitat bank. This modification will allow for more flexibility and certainty in the council's ability to deliver suitable sites for habitat banking.

4 Alternative Options Considered

- 4.1 The Main Modifications were identified as a result of representations received during a formal consultation exercise (Regulation 19 submission consultation). There are no alternative options to consider.
- The new site allocation has been promoted by the landowner and developer and will help to meet the Council's housing need, which is currently in shortfall.
 - The modifications to the climate change policies were put forward by experts and will help to mitigate against the adverse impacts of climate change across the borough.

- The identification of an additional habitat bank site will enable the Council to ensure it continues to identify opportunities for offsite BNG provision. Its adoption in the SLP will provide more certainty for developers and investors who may wish to use it in future.

5. Consultation

- 5.1 The Sandwell Local Plan has been subject to public consultation during Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Details of each consultation can be found on the Sandwell Local Plan web page:

<https://www.sandwell.gov.uk/LocalPlan>

- 5.2 Any proposed Main Modifications submitted to the Examination in Public will also be subject to period of public consultation in line with the Regulation 19 consultation, i.e. six weeks. The Planning Inspector appointed to preside over the Examination will take any representations into account.

6. Financial Implications

- 6.1 The costs for any further public consultation will be paid for through the Sandwell Local Plan budget for 2025/26. It is anticipated that the costs will not exceed £3000 based on the costs for the Regulation 19 consultation.

7. Legal and Governance Implications

- 7.1 The submission of the proposed Main Modifications to the Examination in Public and the subsequent public consultation is in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2 The Examination in Public is being held in accordance with the Planning Inspectorate's Procedure Guide for Local Plan Examinations.

8. Risks

- 8.1 Throughout the Examination in Public, the Planning Inspector will explore the potential for Main Modifications to resolve any soundness and/or legal compliance issues identified. Section 20(7C) of the Planning and Compulsory Purchase Act requires the Inspector to recommend Main Modifications if asked to do so by the Local Planning Authority (in this case, Sandwell Council), provided that the Main Modifications are necessary to make the plan sound and legally compliant.
- 8.2 Therefore, the key risk is that the Sandwell Local Plan will not be found sound or legally compliant if these proposed modifications are not approved for submission to the Examination in Public.

9. Equality and Diversity Implications (including the public sector equality duty)

- 9.1 The Sandwell Local Plan was submitted to the Secretary of State with an Equalities Impact Assessment. The EqlA concluded that the impact or likely impact of the emerging Sandwell Local Plan and its issues and options work on specific groups (race, gender, disability, age, religion and belief, sexual orientation, pregnancy / maternity) has been considered. It is anticipated that

all groups will experience positive benefits through the production of updated and locally focussed policies and proposals.

- 9.2 No significant negative impacts are anticipated, although where the SLP identifies sites for development, this will have some locally significant impacts on communities, individuals and the local environment.
- 9.3 The Council's Statement of Community Involvement will help inform relevant stakeholders how they can become involved in the plan making process, and the planning application process.

10. Other Relevant Implications

- 10.1 **Climate Change** - The Sandwell Local Plan contains a number of policies to assist with the mitigation of climate change and help to meet the climate change targets agreed by Sandwell Council. In addition, all the policies and proposals contained within the Sandwell Local Plan, including reasonable alternatives, have been subject to a sustainability appraisal as required by the Regulations.
- 10.2 **Corporate Parenting** - The Sandwell Local Plan is a plan to 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.
- 10.3 **Social Value** - 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 the Council's goals for housing, employment, transport, the environment and education.
- 10.4 **Health and Wellbeing** - Health and wellbeing is a key theme which will be addressed throughout the Local Plan. The aims of the policies and proposals in the Plan are to promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation. The impacts on health have also been assessed through the Sustainability Appraisal.
- 10.5 **Crime and Disorder Act 1998** – the Sandwell Local Plan aims to provide the best start in life for children and young people by developing policies that will contribute to the delivery of facilities, services and opportunities for adults and young people, which includes community safety measures and designing out crime. Quality homes in thriving neighbourhoods will play an important part in delivering this aspect of the Council's Vision 2030, particularly as it relates to housing, employment, transport, environment and education goals.

11. Background Documents

The Sandwell Local Plan and appendices

The Sustainability Appraisal into the Sandwell Local Plan

Sandwell Local Plan evidence base

12. How does this deliver the objectives of the Strategic Themes?

- **Growing up in Sandwell**
Best start in life for children and young people – 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**
Quality homes in thriving neighbourhoods – 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.
- **Healthy in Sandwell**
People live well and age well - 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.
- **Thriving Economy in Sandwell**
A strong and inclusive economy - the Local Plan will provide the regeneration framework for future investments and projects.
- **One Council One Team Approach**
Although produced by the Planning Policy Team, the Sandwell Local Plan has received input from a number of teams across the council, including Climate Change, Parks and Countryside, Housing and Partnerships, Highways, Adult Services, Education.

Relevance Check**Budget Reduction/Service Area:****Service Lead****Date:**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No