

## Cabinet

<b>Report Title</b>	Draft Sandwell Local Plan - Approval of Main Modifications
<b>Date of Meeting</b>	Wednesday, 4 February 2026
<b>Report Author</b>	Patricia McCullagh
<b>Lead Officer</b>	Alan Lunt - Executive Director - Place
<b>Lead Cabinet Member(s)</b>	Councillor Vicki Smith - Cabinet Member for Housing and Planning
<b>Why is this a key decision?</b>	To be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
<b>Wards Affected</b>	(All Wards);
<b>Identify exempt information and exemption category</b>	Open
<b>Is the report urgent?</b>	No
<b>Reasons for urgency (only where applicable)</b>	Not applicable
<b>Appendices (if any)</b>	Appendix 1 - Summary of Issues discussed at the Examination in Public Appendix 2 - List of Main Modifications for consultation Appendix 3 - Approval of Amendments to Plan diagrams and plans Appendix 4 - Approval of Sandwell Local Plan Policy Map Appendix 5 - Approval of Additional Modifications Appendix 6 - Approval of SLP appendices Appendix 7 - Approval of SA Main Modifications Appendix 8 - Approval of HRA Main Modifications

## **1. Executive Summary**

1.1 Following the Examination in Public of the Draft Sandwell Local Plan the council and the Planning Inspector have identified a number of modifications to the plan required to resolve soundness and legal compliance issues. Cabinet approval is required to authorise consultation on the resulting main modifications as summarised in Appendix 1 to this report.

## **2. Recommendations**

The Cabinet is recommended to:

2.1 Approve the list of main modifications, amendments to plan diagrams and plans within the Sandwell Local Plan; changes to the policies map, amendments to the Sandwell Local Plan Appendices and updated Sustainability Appraisal and Habitats Regulations Assessment as set out in appendices 2, 3, 4, 6, 7 and 8 of this report, for public consultation, to commence on 16 February 2026 for a period of 6 weeks to 30 March 2026;

2.2 Delegate authority to the Executive Director for Place, in consultation with the Cabinet Member for Housing and Planning:

2.2.1 To agree any necessary amendments to supporting documentation for consultation and any other typographical, presentational, and consequential wording changes to the Local Plan prior to publication;

2.2.2 Following public consultation on the Proposed Main Modifications, consider and summarise the responses received and forward to the Inspectors for their consideration in producing their Report. That following the receipt of the Report from the Inspector recommending adoption of the Local Plan, that the Plan be brought back to Cabinet and Full Council for adoption.

## **3. Proposals – Reasons for the recommendations**

3.1 It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. The revised National Planning Policy Framework (NPPF), released in December 2024, contains transitional arrangements that required local planning authorities to submit local plans by March 2025 for them to be considered under the previous NPPF (2023) and regulations. Sandwell's Local Plan was submitted to the Secretary of State in December 2024.

3.2 The timetable for producing the Plan is set out in the Local Development Scheme (LDS), the latest version of which was approved by Cabinet on 05 February 2025 and which is published on the council's website. The LDS sets out the timetable for the current Draft Sandwell Local Plan (the Draft Plan) as well as an indicative timetable for reviewing the Plan under the new NPPF and regulations. The LDS will be reviewed early 2026.

3.3 The timetable for producing the Draft Plan is set out below, with the area highlighted in bold being the current stage:

Date	Event
7 December 2022	Cabinet approval to consult on an Issues and Options paper and open a Call for Sites exercise
February – March 2023	Six-week Issues and Options consultations and Call for Sites
March – October 2023	Draft Plan Preparation
October 2023	Cabinet approval to consult on the Draft Plan
November – December 2023	Six-week Draft Plan consultation (Reg18)
January – June 2024	Consideration of representations and Submission Plan preparation
September/October 2024	Cabinet and Full Council approval to consult on Submission Plan (Reg19) and then submission to Secretary of State
September – October 2024	Six-week Submission Plan consultation (Reg19)
December 2024 – January 2025	Submit the Plan and representations to the Secretary of State
<b>January 2025 – Autumn 2025</b>	<b>Examination in Public of the Sandwell Local Plan (including 3 weeks of Hearing sessions in July, September and October 2025) followed by the receipt of the Inspector's Report</b>
Early 2026	Consultation on the main modifications required by the Inspector following the Examination  Followed by adoption of the Sandwell Local Plan at Full Council once the Local Plan is considered to be sound.

3.4 The Examination in Public of the Draft Plan commenced when the council submitted the Draft Plan to the Secretary of State via the Planning Inspectorate. A Planning Inspector was then appointed to examine the Draft Plan.

3.5 The Inspector identified a number of Matters, Issues and Questions (MIQs) for the Draft Plan which have been discussed with the council and other representors at public hearing sessions held during the weeks commencing 14 July 2025, 22 September and 29 September 2025. Other respondents included West Midlands Police, the Birmingham and Black Country Wildlife Trust, Friends of Sheepwash Urban Park and Sport England, along with

planning consultants acting on behalf of private clients with housing allocations in the plan. A summary of the Matters and Issues discussed is attached as Appendix 1 to this report.

3.6 Following the hearing sessions, the Inspector suggested a number of main modifications that will resolve any soundness and legal compliance issues for the DSLP. These modifications range in scope from redrafting parts of an individual policy or reasoned justification to the deletion or amalgamation of whole policies and rearranging the format of the document. There are also proposed changes to the Policies Map (Appendix 4), which is the geographical representation of the policies in the SLP. The list of proposed main modifications is attached to this report as Appendix 2, along with proposed amendments to the Plan's diagrams and plans within the SLP attached to this report as Appendix 3 and amendments to the SLP Appendices (Appendix 6). The Sustainability Appraisal and Habitats Regulation Assessment also had to be updated to reflect the modifications proposed. The updated reports are attached as Appendices 7 and 8.

#### **4. Alternative Options Considered**

4.1 **Option 1 – Consult on the proposed main modifications to comply with legislative requirements to allow adoption of a Local Plan.**  
The Planning Inspector is likely to recommend that the plan as submitted (without the main modifications) should not be adopted, before recommending main modifications to make the submitted plan sound and legally compliant. The Town and Country Planning (Local Planning)(England) Regulations 2012 requires the council to consult on any main modifications to the Local Plan before incorporating them into the Local Plan.

4.2 S.20 of the Planning and Compulsory Purchase Act requires that the council must then make the recommended main modifications, together with any additional modifications at their discretion, if they wish to adopt the plan. The council will not be able to adopt the Sandwell Local Plan if the main modifications are not made to it. Therefore, there is no other option but to consult on the main modifications if the council wishes to adopt the Draft Plan.

#### **5. Consultation**

5.1 The public consultation on the main modifications will run for a period of 6 weeks between 16th February 2026 to 30th March 2026. The public consultation will follow these general principles:

- it will be made clear that the consultation is only about the proposed main modifications, amendments to the plan diagrams and plans, any changes to the policies map (and no other aspect of the plan), amendments to the SLP Appendices and the updated Sustainability Appraisal and Habitats Regulation Assessment, that they are put forward without prejudice to the Inspector's final conclusions, and that all representations made will be taken into account by the Inspector.
- the consultation document will include all the proposed main modifications, making no distinction between those originally proposed by the local planning authority and those proposed by the Inspector or others.

- additional modifications (Appendix 5) identified by the council will be published for information as part of the consultation. However, they will be clearly distinguished from the main modifications and will not be subject to comment.
- 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 run for 6 weeks during February / March 2026.

5.2 Following the close of the consultation, any representations will be sent to the Inspector for their deliberation before they finalise their report as to the soundness of the Draft Plan.

## **6. Financial Implications**

6.1 The resource implications of preparing the Sandwell Local Plan were outlined in the Cabinet report on 16 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 best estimate of spend for 2025/26 to include the advice and support of consultants, legal fees (including Counsel advice), the Examination in Public, and a temporary Programme Officer and Planning Inspector is £207k. The budget available to fund this stage of plan making is £57k. The remaining estimated spend of £150k will be funded from one off 2025-26 savings identified within the Spatial Planning and Growth Service area and any remaining balance from reserves allocated to the service area.

6.2 Actual spend on the Draft Plan is as follows:

2022/23 = £23,000

2023/24 = £205,000 - This includes £35k for work done at a Black Country level relevant for the DSLP.

2024/25 = £372k (including some remaining Black Country work).

## **7. Legal and Governance Implications**

7.1 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.

7.2 Planning decisions made by the local planning authority must be taken in accordance with a statutory development plan (which includes the Local Plan) unless material considerations indicate otherwise as set out at s.38(6), Planning and Compulsory Purchase Act 2004.

7.3 S.15 of the Planning and Compulsory Purchase Act 2004 requires 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. The actions and proposed consultation set out in this report ensure the council is compliant with these statutory obligations.

## 8. Risks

The following risks have been identified:

Red Risks	Mitigation	Comment
The Local Plan will not be adopted by the end of 2025/early 2026	Commit time and resources to producing and consulting on the main modifications necessary for the Sandwell Local Plan to be adopted	After the Hearing sessions, the examination remains open until the Inspector has completed their report. The Inspector has identified main modifications in addition to those identified by the council. Therefore, there will need to be an additional period of public consultation on the main modifications before the Inspector can finalise their report. Therefore, there is a risk that the Sandwell Local Plan could be adopted later in 2026.
Failure to allocate sufficient land to meet employment and housing needs due to the lack of strategic sites within the borough.  Changes to the National Planning Policy Framework (NPPF) and the planning system could lead to offers of housing and employment land from neighbouring authorities, to meet the identified shortfall in Sandwell's provision, being withdrawn.	Continue to negotiate on cross boundary issues through the Duty to Co-operate (DtC).  The council has made a commitment to engage with the Strategic Housing Growth Study that will look at options for future housing growth.  Changes to the NPPF brought in by the Labour Government require local authorities to review their green belt.	The council are continuing dialogue with colleagues from the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) regarding the contribution and apportionment of housing and employment land offers. Statements of Common Ground have been produced setting out where housing contributions from other local authorities have been achieved and agreed.

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

9.1 S.149 of the Equality Act establishes a Public Sector Equality Duty (PSED) that each public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under (the Act)
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 During preparation of the Draft Plan and to ensure compliance with statutory obligations under the PSED, an equalities impact assessment (EqIA) was undertaken for both the Regulation 18 draft SLP and the Regulation 19 version.

9.4 Plan preparation occurred in part using information from the extant Black Country Core Strategy and the draft Black Country Plan. Both documents contained policies and proposals that reflected the needs of different sections of the community in the sub-region. The Draft Plan continues this approach by including policies and guidance on the need to plan for all parts of the community and to encourage positive interactions between different users of buildings and spaces.

9.5 The intention of the Draft Plan policies is to minimise and, where possible, exclude opportunities for antisocial behaviour or negative interactions, and to support the shared use of spaces. This is reflected in the Vision and its priorities, as set out in Table 3 of the Draft Plan, several of which relate to improving the health and wellbeing of residents and promoting social inclusion.

9.6 Objectives include:

- promoting health and physical activity, encouraging social interactions and discouraging harmful behaviours;
- ensuring new development and open spaces support the health and wellbeing of all residents; and
- providing support to community health and wellbeing through minimising pollution, providing healthy homes, reducing the impacts of climate change and maintaining safe streets.

9.7 This will help to deliver safer, more welcoming places and foster better social interactions. Other strategic objectives of the Draft Plan include:

- providing housing that meets the needs of all sections of the community, including allowing for adaptation to meet future needs,
- ensuring communities are safe and resilient and promoting social cohesion,
- increasing accessibility to training, work and open spaces,
- requiring new development to offer high standards of design and to create greener and safer places for people to occupy and use.

9.8 The Draft Plan contains policies that are intended to address issues of equality and reflect the diverse requirements of local communities. Examples include (but are not restricted to):

- Policy SDS3 - promotes regeneration across Sandwell to improve the life chances of all sections of the population, including the provision of additional employment and housing delivery and sustainable access to opportunities.
- Policy SCC3 - promotes solutions to urban heating effects that may have disproportionate impacts on more deprived communities in urban areas
- Policy SHO5 - requires all new homes to meet the needs of people with disabilities or who are less mobile through age.
- Policy SHO8 - reflects the desire to protect and provide for the local Gypsy and Traveller and Travelling Showpeople community who live in and visit Sandwell, including liaising with that community on the location, design and required facilities of new sites.
- Policy SHO10 - looks specifically at meeting the needs of older people, people with disabilities and those with additional special needs.
- Policy SEC5 - promotes opportunities for people who experience social exclusion and / or disadvantages to participate in the employment market by making opportunities for work more accessible.

9.9 The Equality Impact Assessment (EqIA) concludes that the Draft Plan does not create any significant or adverse impacts for communities with special characteristics, nor in terms of their relationships with the wider community. Indeed, the EqIA demonstrated that in most cases, the outcomes of the draft plan would have positive or at worst neutral impacts on those communities.

9.10 Romany Gypsies and Irish Travellers are legally recognised as ethnic groups and are protected from discrimination. The provision of new Gypsy and Traveller sites will assist in meeting the culturally specific accommodation needs of Gypsies and Travellers.

## **10. Other Relevant Implications**

### **10.1 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. Impacts on health are also being assessed through the Sustainability Appraisal.

### **10.2 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.

### **10.3 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, will be subject to a sustainability appraisal as required by the Regulations.

#### **10.4 Corporate Parenting:**

The Sandwell Local Plan covers the period 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.

### **11. Background Documents**

Sandwell Local Plan – Submission Version, December 2024

Sustainability Appraisal of the Sandwell Local Plan – Submission Version, December 2024

All evidence and documents can be found on the Sandwell Local Plan web pages <https://www.sandwell.gov.uk/planning-planning-policy/sandwell-local-plan-examination/6>

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

This report will support the delivery of the following 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**

Good 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.

#### **Thriving Economy in Sandwell**

A strong and inclusive economy - the Local Plan will provide the regeneration framework for future investments and projects.

#### **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.

#### **One Council One Team**

Although produced by the Planning Policy Team, the Sandwell Local Plan has received input from several teams across the council, including Climate Change, Parks and Countryside, Housing and Partnerships, Highways, Adult Services, Education