

## Appendix One

### Matters addressed during the Examination in Public of the Sandwell Local Plan

This appendix sets out a summary of the issues addressed during the Examination in Public of the Sandwell Local Plan. The link below leads to Local Plan Examination Hearing Statements page where the issues and the responses can be read in full.

<https://www.sandwell.gov.uk/planning-planning-policy/sandwell-local-plan-examination/7>

#### Matter 1: Legal and procedural requirements

This matter aims to determine whether:

- the Council has complied with the Duty to Cooperate in the preparation of the plan.
- the Council engaged constructively, actively and on an on-going basis with neighbouring authorities and relevant prescribed bodies
- all Statements of Common Ground submitted are consistent with the expectations of the NPPF and the associated Planning Practice Guidance and signed by all relevant parties
- the requirements of the Conservation of Habitats and Species Regulations 2017 have been met
- the plan has been prepared in accordance with the adopted Local Development Scheme
- consultation on the plan has been carried out in accordance with the adopted Statement of Community Involvement (MON 002) and the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)?
- the Sustainability Appraisal (SA) provides a comprehensive and robust basis to inform the strategy and contents of the plan
- the SLP will cover a minimum 15-year period from the anticipated date of adoption
- the SLP includes policies designed to ensure that the development and use of land in the Sandwell plan area contributes to the mitigation of, and adaptation to, climate change in accordance with the legislation
- the SLP has regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic
- the preparation of the SLP complied with the 2004 Act Part 2 (as amended) and the 2012 Regulations (as amended) in all other respects, including in terms of strategic priorities for the development and use of land within the Sandwell plan area



## **Matter 2: Vision, strategic objectives, development needs, and the plan's overall scale of growth**

This matter aims to determine whether:

- the vision, priorities and strategic objectives have been positively prepared and are justified, effective and consistent with national policy for the achievement of sustainable development and relevant for Sandwell.
- the assessment of housing needs and the plan's overall scale of housing growth for the settled community are justified, positively prepared, effective and consistent with national policy.
- the plan's total housing requirement of at least 10,434 net new homes (which the plan states would result in unmet need for 15,916 homes in the borough over the plan period 2024-2041), is justified and positively prepared
- all potential sources of housing land supply have been explored and exhausted such that a housing requirement below the objectively assessed need could be justified
- the assessment of need and the plan's overall scale of growth for accommodation for Gypsies, Travellers, and Travelling Showpeople is justified, positively prepared, effective, and consistent with national policy.
- the assessment of employment need and the plan's overall scale of employment growth is justified, positively prepared, effective, and consistent with national policy.
- the plan's approach of maintaining ongoing provision of around 1,221 hectares of allocated employment land is soundly based

## **Matter 3: The spatial strategy and the other Framework Policies**

This matter aims to determine whether:

- the strategy for the spatial distribution of new development (Policy SDS1) is based on robust evidence and is justified, positively prepared, effective and consistent with national policy.
- the plan's overall growth strategy is deliverable including in terms of viability.
- the plan is positively prepared, justified, effective, and consistent with national policy in relation to its other Framework Policies (Policies SDS2 – SDS8), particularly with regard to the approach to heritage assets and development viability.
- the policies appropriately cover biodiversity and blue/green infrastructure, particularly which types of green and blue infrastructure would be covered.
- the protection and/or loss of valuable cultural and religious buildings is appropriately covered
- the requirements of the green belt policy are justified and consistent with national policy for protecting Green Belt land
- the plan will be effective in supporting delivery of new development, including at least 584ha of new employment development and a minimum of 2,134 new homes in the identified Regeneration Areas
- the plan will be effective in supporting delivery of 474 new homes in the towns and local communities outside West Bromwich and the identified Regeneration Areas



## **Matter 4: Natural & Historic Environment Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective, and consistent with national policy in relation to its policies for the natural and historic environment
- the plan consistent with national policy and mandatory requirements in relation to biodiversity net gain
- the plan should be clearer on tree retention and replacement
- the plan appropriately addresses the protection of irreplaceable habitats including ancient and veteran trees in a manner consistent with national policy
- the plan sets out effective requirements for the reuse of heritage assets
- the plan should cover the full range of non-designated heritage assets

## **Matter 5: Climate Change Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies on climate change.
- the plan provides a justified and effective framework for reducing operational carbon in new build residential development
- the requirements of the plan are justified and appropriately costed in relation to general development viability and any effect on housing supply and affordability
- the requirements of the plan are consistent with national policy towards achieving net zero and the expectations of the Government's Written Statement "Planning - Local Energy Efficiency Standards Update" made on 13 December 2023
- the approach to reducing operational carbon in new build non-residential development is appropriate in relation to climate-adapted design and construction, including the approach to overheating assessment and embodied carbon
- the plan is justified and effective regarding meeting the challenge of flood risk, including the approach to flood risk assessment and sustainable drainage

## **Matter 6: Health & Wellbeing Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy with regard to its policies for health and wellbeing.
- the police and emergency services infrastructure should be added to the policy
- the plan is consistent with national policy in its approach to air quality.
- the requirements of the plan are justified in relation to development viability



## Matter 7: Housing Policies

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy in its approach to delivering sustainable housing growth.
- there is evidence supports the 5%, 10%, and 15% discount rates for non-implementation and are those levels of discount appropriate and justified for the associated type of housing supply
- the plan's approach to additional housing supply from windfall sites is justified and consistent with national policy.
- the plan is consistent with national policy in its approach to housing density, type and accessibility, including whether the requirements are generally achievable and broadly viable in the Sandwell context
- the plan incorporates suitable flexibility for dealing with circumstances of unviable development
- the plan is consistent with national policy in its approach to national accessibility standards and custom and self-build housing
- the plan is consistent with national policy in its approach to protecting family housing
- the plan will be effective in delivering the accommodation needed for Gypsies, Travellers and Travelling Showpeople over the plan period, including the identified needs for additional pitches and/or plots over the plan period and whether the criteria are justified with regard to the Public Sector Equality Duty
- the plan is consistent with national policy in its approach to housing for people with specific needs, including housing for older people and support for proposals for housing for people with specific needs

## Matter 8 Economy & Centres Policies

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for the local economy.
- the plan should be more flexible in relation to potential changes of use of employment sites to residential uses, either in general or in any particular circumstances
- the plan is justified in safeguarding a portfolio of sites for industrial employment uses only and whether any other employment uses should be included
- the range of safeguarded uses and ancillary employment-generating uses set out in policy are justified, including in relation to viability and supporting regeneration
- the plan's policies on Sandwell's Economy, Sandwell's Centres, and West Bromwich specifically reference the historic environment and/or any economic and regeneration benefits associated with the presence of heritage assets



- the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for Sandwell's centres including its specific policies for West Bromwich.
- there is evidence to justify the three tiers of the Centres Hierarchy, comprising strategic centres, town centres, and district and local centres in the hierarchy of centres
- the plan is justified and effective in relation to managing generally declining levels of in-person retail
- the plan is justified and effective in relation to circumstances where new residential uses above or among existing centre uses would be supported

## **Matter 9: Site Allocations**

This matter aims to determine whether:

- the plan's site allocations are justified, effective, positively prepared and consistent with national policies
- the site allocations are consistent with the plan's overarching strategy for the location of development
- the site allocations would have any impact in relation to the highway network and other infrastructure, such as health and education facilities, the national grid electricity transmission network, and open space, flood risk, air quality, land contamination and stability, minerals and waste, and noise, heritage assets and their significance, local environment and character.
- the amount of development proposed for each allocation is justified

## **Matter 10: Transport, Infrastructure & Viability Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for transport, infrastructure and delivery
- the key transport priorities identified are justified and appropriate
- it is necessary to include any other key transport priorities in the policy
- the plan should explicitly encourage housing development in proximity to railway stations and metro stops
- the Infrastructure Delivery Plan contains the full range of infrastructure necessary to support the development proposed in the plan and how the Infrastructure Delivery Plan will respond to changes in circumstances
- the requirements of the plan and its approach to infrastructure provision and viability assessments are justified and consistent with national policy
- the requirements of the plan with regard to telecommunications and digital infrastructure are justified, effective and consistent with national policy



## **Matter 11: Minerals & Waste and Constraints and Industrial Legacy Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy in respect of its policies for waste and minerals, development constraints and industrial legacy, particularly with regard to the historic environment

## **Matter 12: Development Management Policies**

This matter aims to determine whether:

- the plan is positively prepared, justified, effective and consistent with national policy in respect of its development management policies.
- the policies will help to ensure high quality design
- the plan will require major development proposals to contribute to the greening of Sandwell
- the plan justifies the requirement for new homes in Sandwell to meet the Nationally Described Space Standards
- the plan is justified in setting a specific water efficiency standard of 110 litres per person per day
- the plan is justified in its approach to hot food take aways

## **Matter 13: Plan Delivery and Housing Land Supply**

This matter aims to determine whether:

- the plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the plan period and whether a deliverable five-year supply of housing will be available on adoption
- there is convincing evidence to demonstrate that the plan's housing requirement to 2041 will be met
- there will be a five-year supply of deliverable land for housing following adoption of the plan with appropriate buffer applied
- there is a reasonable prospect of a five-year supply of deliverable land for housing being maintained throughout the plan period.
- the plan's allowance for small windfall sites is justified and supported by compelling evidence
- the plan includes appropriate arrangements for implementation, monitoring, and review

