

**REPORT TO CABINET**

**9 September 2020**

<b>Subject:</b>	<b>Sandwell Local Development Scheme 2020</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor Millard - Cabinet Member for Inclusive Economic Growth</b>
<b>Director:</b>	<b>Interim Director - Regeneration and Growth – Tammy Stokes</b>
<b>Contribution to Vision 2030:</b>	
<b>Key Decision:</b>	Yes
<b>Cabinet Member Approval:</b>	Councillor Millard - Cabinet Member for Inclusive Economic Growth
<b>Director Approval:</b>	Tammy Stokes – Interim Director Regeneration and Growth.
<b>Contact Officer(s):</b>	<p>Samantha Holder, Senior Planner  <a href="mailto:samantha_holder@sandwell.gov.uk">samantha_holder@sandwell.gov.uk</a></p> <p>Andy Miller Strategic Planning &amp; Transportation Manager  <a href="mailto:Andy_miller@sandwell.gov.uk">Andy_miller@sandwell.gov.uk</a></p>

## **RECOMMENDATIONS FOR DECISION**

That Cabinet:

1. Approve the revisions to the Local Development Scheme (LDS) as set out in Appendix 1.
2. Subject to recommendation 1, authorise the Interim Director-Regeneration and Growth in consultation with the Cabinet Member for Inclusive Economic Growth to make minor changes to the Local Development Scheme that may be required prior to making it available to the public.
3. Note the update to the Sandwell Local Plan timetable as set out in Appendix 2.

## **1 PURPOSE OF THE REPORT**

### **Sandwell Local Development Scheme (LDS)**

- 1.1 The purpose of this report is to seek approval for the updated Local Development Scheme 2020 and to give an update on the Sandwell Local Plan.
- 1.2 The LDS is the Council's three-year project plan that identifies which local plan documents will be produced by The Council, in what order and by when. All documents would be subject to Cabinet and Full Council approval at the relevant stages.
- 1.3 The Council needs to review its planning documents at regular intervals to assess whether some or all of them need updating. The LDS therefore also provides information on the timetabling of several existing approved planning documents which need to be reviewed.

- 1.4 Local Planning Authorities are required to prepare their LDS and make it available to the public; there is no longer a requirement to submit or report on them to the Secretary of State.
- 1.5 An Equalities Impact Assessment (EIA) has not been carried out. The LDS is a programme of the documents to be produced over the next three years and does not in itself create policy. Each document within the LDS will be subject to an EIA as part of its preparation.

### **Local Plan Update - Black Country Core Strategy (Black Country Plan [BCP])**

- 1.6 It is proposed to change the name of the Black Country Core Strategy to the Black Country Plan (hereafter called the BCP), to reflect proposed changes in approach and changes to the National Planning Policy Framework (NPPF).
- 1.7 A plan-led system operates in England, involving the preparation of plans by the Local Planning Authority that set out what can be built and where. Under the current planning system, the Council is required to prepare local plan documents that set out how the local area may change over the next few years.
- 1.8 In Sandwell the Local Plan currently consists of:
  - Black Country Core Strategy – adopted 2011
  - Sandwell Site Allocations & Delivery Development Plan Document - adopted 2012
  - West Bromwich Area Action Plan – adopted 2012
  - Smethwick Area Action Plan – adopted 2008
  - Tipton Area Action Plan - adopted 2008
- 1.9 The existing Core Strategy was adopted in 2011 and provides the framework for various Site Allocation Documents and Area Action Plans, which set out local policies and site allocations for individual authority areas. The existing Strategy has shaped the housing, industrial and retail growth of the area, whilst protecting the

environment and greenbelt. It has also been successful in supporting regeneration for the past nine years.

- 1.10 The Site Allocations and Delivery Development Plan Document identifies sufficient sites and areas to meet the Borough's housing and employment needs, and will protect the Borough's historic, built and green infrastructure. The Area Action Plans set out a vision and strategy for the future development of West Bromwich, Smethwick and Tipton and guide future change and development in these areas.
- 1.11 Public consultation on the Black Country Core Strategy Review Issues & Options document took place during summer 2017. The consultation generated significant public interest, particularly around the potential release of greenbelt land in Dudley. The development industry focussed on the challenges to the delivery of brownfield sites, arguing that a more flexible approach to the release of green belt should be promoted to accelerate housing delivery.
- 1.12 Following consideration of the issues raised during consultation and the evidence produced to date it became clear that the scope of the new BCP would need to be significantly wider than that of the higher level, strategic Core Strategy previously adopted. The BCP now needs to allocate a significant number of development sites, to demonstrate fully how the four authorities are meeting the housing and employment land requirements of the Black Country area. ABCA agreed this approach to identifying sites in 2018. This approach will have the benefits of providing greater certainty for investment decisions and funding applications and supporting the delivery of sites where Compulsory Purchase Orders are required.
- 1.13 This change in approach will mean that the BCP will allocate:
  - i. Sites to be released from the Green Belt (details to be confirmed)
  - ii. All new housing allocations (details to be confirmed)
  - iii. All new employment allocations (details to be confirmed)

- iv. Any other new allocations for other uses
- v. All current housing allocations over 50 units
- vi. All current employment allocations over 0.4ha
- vii. All changes to site allocations from existing plans

1.14 All site allocations [paragraph 1.13v – vii, above] were previously delegated to second-tier plans, such as Site Allocation Documents and Area Action Plans. This means that these extant allocations will also be considered at the Examination in Public and will therefore require the approval of all four Cabinets in the Black Country Authorities for them to be reallocated in the BCP.

1.15 This change in scope significantly increases the evidence requirements and complexity of the strategic planning process. However, the burden on second-tier plans will be correspondingly smaller.

1.16 The NPPF was revised in February 2019 and must be used in plan-making and determination of planning applications and appeals. The changes brought in then will increase the workloads for planning teams. They put more pressure on authorities to keep their plans up-to-date and to make sure enough housing is built to meet local needs.

1.17 Due to the impact of COVID19 on the workings of local authorities across the Black Country and beyond, a decision has been taken by the Association of Black Country Authorities to extend the period for the preparation of the BCP, in recognition of the difficulty of meeting the original timetable. This means that the timetable will need to be updated to reflect this change, and the subsequent implications for the other local plan documents that are related to it.

1.18 As a result, Sandwell's LDS will also need to be updated sooner than anticipated, to ensure that local people and Councillors are in possession of the most accurate timescale for forthcoming plans and documents that will affect them and their environment.

1.19 The revised programme for the preparation for the Black Country Plan (subject to local authority ratification) is:

<b>PLAN PREPARATION STAGE</b>	<b>TIMESCALE</b>
<ul style="list-style-type: none"> <li>• Issues and Options consultation (completed)</li> </ul>	July – September 2017
<ul style="list-style-type: none"> <li>• Publish revised timetable</li> <li>• Publish further evidence</li> <li>• Open ‘call for sites’ consultation for 6-8 weeks</li> </ul>	June-July 2020
<ul style="list-style-type: none"> <li>• Publish delivery evidence</li> </ul>	December 2020
<ul style="list-style-type: none"> <li>• Cabinet consideration of Draft Plan</li> </ul>	July 2021
<b>Draft Plan Public Consultation (eight weeks)</b>	August-September 2021
<ul style="list-style-type: none"> <li>• Cabinet consideration of publication version of BCP</li> </ul>	July 2022
<b>Publication Public Consultation</b>	August-September 2022
<b>Submission of Plan</b>	March 2023
<b>Examination</b>	April 2023 - March 2024
<b>Adoption</b>	April 2024

For comparison, the previously agreed timetable for the BCP was as follows:

<b>Draft Plan consultation</b>	October - November 2020
<b>Consultation on the Publication Version Plan</b>	July – September 2021
<b>Submission</b>	February 2022
<b>Examination in Public</b>	March to November 2022
<b>Adoption</b>	March 2023

## **Second-tier Plans – Sandwell Development Plan**

1.20 The current second tier of the Local Plan is made up of the *Site Allocations & Delivery DPD* and the *West Bromwich Area Action Plan*. Both documents were adopted in December 2012 and cover the period up to 2021. As the Council is committed to reviewing plans every five years, the review of both documents should now

be underway. However, as the second-tier plans must be in conformity with the first-tier plan, i.e. the BCP, the change in approach and the delay to the BCP review timetable will have a knock-on effect on their review.

- 1.21 It was always the intention to run the Sandwell Development Plan review approximately twelve months behind that of the BCP. However, the delays to the review timetable creates resource challenges in relation to the drafting of the new local plan and the various stages of consultation. To avoid consultation duplication on any stage of the Sandwell Development Plan coinciding with those of the BCP, the proposed timetable has been amended accordingly:

<b>Issues &amp; Options Consultation</b>	January 2022
<b>Draft Plan consultation</b>	October 2022
<b>Plan Publication</b>	October 2023
<b>Submission to Secretary of State</b>	March 2024
<b>Examination in Public</b>	Summer 2024
<b>Adoption</b>	March 2025

- 1.22 Adoption of the Sandwell Development Plan will now take place beyond the date of the current plan period. The Planning Inspectorate have advised that current plans can continue to be given weight in decision-making beyond 2021 but from that date they will effectively be treated as being based on out-of-date evidence. Therefore, decisions taken based on the policies in such plans are at increased risk of challenge and, in the case of refusals, being overturned at appeal. This risk increases with time, so it remains important to prepare an up-to-date local plan as soon as possible.
- 1.23 As explained previously, the BCP will, unlike its predecessor, allocate sites for housing and economic development. As a result, the second-tier plan(s) will not include all the borough's site allocations. The use of the term 'Site Allocations & Delivery' would therefore no longer be an appropriate title.





- 1.24 It is therefore proposed to call the reviewed document the *Sandwell Development Plan (SDP)*. This will provide some commonality with the upper tier. The SDP will continue to address nature conservation, open space and other types of allocation along with Sandwell-specific policies such as are included in the current SAD DPD.
- 1.25 The West Bromwich Area Action Plan (WBAAP) forms part of the Statutory Development Plan; it was adopted in 2012 and expires in 2026.
- 1.26 The proposals in the WBAAP have largely been delivered. Due to changing market conditions, however, it is now appropriate to adopt an updated and flexible approach to securing further regeneration in the centre. This will be achieved through the production of an Interim Planning Statement and an associated Masterplan, to effectively bridge the gap between the WBAAP and the adoption of its successor document. The interim statement and plan will provide certainty for developers bringing forward new schemes.
- 1.27 It is important to note that the Interim Planning Statement and Masterplan for West Bromwich will not be part of the statutory development plan and will not therefore be formally adopted; rather, they are a statement of future intent.
- 1.28 It is anticipated the Interim Planning Statement will be endorsed in Autumn 2020.

## **2 IMPLICATIONS FOR VISION 2030**

- 2.1 The Local Development Scheme 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. The BCP and Sandwell Development Plan will provide the regeneration framework for future investments and projects.

- 2.2 The LDS is required to adopt a spatial, rather than exclusively land use, perspective and as such will also have an impact upon a range of Council services. The LDS will build in effective community involvement and will be important to local communities.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Approval is required from Cabinet for the LDS and to note the update on the Sandwell Local Plan.

### **4 THE CURRENT POSITION**

- 4.1 The initial LDS was approved by the Cabinet Member for Environment and Transport on the 1<sup>st</sup> February 2005 and has subsequently been revised annually. The last review was approved by Cabinet in January 2020 (minute 10/2020 refers). The LDS sets out the documents that will be prepared by the Council as part of the Development Plan for the Borough.
- 4.2 Local Planning Authorities are required to prepare their LDS and make it available to the public; however, there is no longer a requirement to submit a report on them to the Secretary of State.

### **5 CONSULTATIONS (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 Consultation with the relevant officers and members is undertaken as part of the Local Plan process.

### **6 ALTERNATIVE OPTIONS**

- 6.1 Preparation of a LDS is a requirement of the Planning & Compulsory Purchase act 2004. As such there is no alternative to its preparation

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The costs of preparing the Local Development Framework for Sandwell, and subsequent Local Development Documents, will be met from existing revenue budgets. The planning policy documents will be produced using existing staff resources within the Planning Policy and Transportation Team in the Spatial Planning and Growth Service Area.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 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 LDS specifying the documents that will be local development documents, their subject matter and area, and the timetable for their preparation and revision.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An EIA has not been carried out. The LDS is a programme of the documents to be produced over the next three years and does not in itself create policy

## **10 DATA PROTECTION IMPACT ASSESSMENT**

- 10.1 The data collected through the LDS is not envisaged to include any sensitive or personal data. However, this issue will be addressed in the individual documents.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

- 11.1 There are no crime and disorder risks from accepting the updated Sandwell LDS.

11.2 The Council's corporate risk management strategy has been complied with, to identify and assess the risks associated with this decision / recommendation. This has identified that there are no significant risks that need to be reported.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 Sustainability is a key theme addressed throughout the documents of the LDS. The LDS will help to deliver sustainable, prosperous communities, an integrated transport network and reduce the need to travel by car.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 Health and wellbeing is a key theme addressed throughout the documents of the LDS. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.

## **14 IMPACTS ON ANY COUNCIL-MANAGED PROPERTY OR LAND**

14.1 There are no immediate implications from approving the updated Sandwell LDS.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The LDS is a statutory requirement. It is a 3-year programme setting out the various spatial planning policy documents to be produced by the Council. It is required to meet the Council's spatial planning objectives as adopted.  
For these reasons it is recommended that the updated Sandwell LDS be accepted and the update on the Local Plan be noted.

## **16 BACKGROUND PAPERS**

- 16.1 The Sandwell Local Development Scheme ([LINK](#))
- The Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The National Planning Policy Framework (February 2019)

## **17 APPENDICES**

- LDS Report 2020 Appendix 1
- LDS Summary Timetable 2020 Appendix 2