

# Report to Cabinet

**16<sup>th</sup> November 2022**

<b>Subject:</b>	The Local Plan in Sandwell: Update, next steps, and amendment to the Local Development Scheme (LDS)
<b>Cabinet Member:</b>	Cabinet Member for Regeneration & Growth Councillor Peter Hughes
<b>Director:</b>	Director Regeneration & Growth Tony McGovern
<b>Key Decision:</b>	Yes <b>Type (c)</b> - an executive decision which is likely 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>Contact Officer:</b>	Andy Miller – Strategic Planning & Transportation Manager <a href="mailto:andy_miller@sandwell.gov.uk">andy_miller@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That Cabinet notes recent developments in relation to the Black Country Plan and the background to them.
- 1.2 That Cabinet approves the preparation of a single-tier Local Plan covering the whole of Sandwell which, on adoption, will replace the following;
  - Black Country Core Strategy (2011)
  - Sandwell Site Allocations & Delivery Development Plan Document (2012)
  - Smethwick Area Action Plan (2008)
  - Tipton Area Action Plan (2008)
  - West Bromwich Area Action Plan (2012)









- 1.3 That Cabinet approves the creation of posts as set out in the resources section of this report.
- 1.4 That approval be given to an update of the Sandwell Local Development Scheme and updated timeline set out in Appendices A & B.

## **2 Reasons for Recommendations**

- 2.1 At the meeting of the Association of Black Country Authorities on 19<sup>th</sup> October, the decision was taken to formally halt the Black Country Plan 2039 (the BCP) work programme and for the four authorities to proceed with the preparation of individual Local Plans as soon as is practical.
- 2.2 It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. Government has previously expressed a desire to see full Local Plan coverage across England by December 2023 or as soon as is practical after that date.
- 2.3 Approval is therefore required to commence the preparation of a new Local Plan for Sandwell. Approval is also required to update the Local Development Scheme (LDS) and timeline 2022 which is a document that sets out the Council's programme of local plan and related activity and is a requirement of legislation.



### 3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people – the Local Plan and LDS helps to set up policies that will contribute to the delivery of facilities, services and opportunities for children and young people through the local plan process.
	People live well and age well - Health and wellbeing is a key theme addressed throughout the documents of the Local Plan and the LDS. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.
	Strong resilient communities – The Local Plan and the LDS will build in effective community involvement and will be important to local communities.
	Quality homes in thriving neighbourhoods – the Local Plan and the LDS 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.
	A strong and inclusive economy - The Local Plan and will provide the regeneration framework for future investments and projects.
	A connected and accessible Sandwell - Sustainability is a key theme addressed throughout the documents of the Local Plan and the LDS. They will help to deliver sustainable, prosperous communities, an integrated transport network and reduce the need to travel by car.

### 4 Context and Key Issues

- 4.1 At the meeting of the Association of Black Country Authorities on 19<sup>th</sup> October, the decision was taken to formally halt the Black Country Plan 2039 (the BCP) work programme and for the four authorities to proceed with the preparation of individual Local Plans as soon as is practical. The process for doing this will differ from authority to authority depending on



the status of their current Local Plans and the scope of the new plans which will replace them.

- 4.2 The Black Country Core Strategy (BCCS) was adopted in 2011 and forms the upper tier of the Local Plan in all four authorities. The review commenced in 2016, in line with national guidance requiring a local plan review to begin no later than five years post-adoption. The review was intended to cover the period up to 2039 based on a scheduled adoption date of 2024. The Plan would have demonstrated how the area could meet housing and employment growth needs and infrastructure requirements. It would also have addressed the climate emergency and supported the delivery of other key sub/regional strategies such as the WMCA's Strategic Economic Plan and the Wet Midlands Local Transport plan.
- 4.3 Housing need was established through an Objectively Assessed Need calculation using the Government's standard method. Employment land need was established through an Employment Development Needs Assessment. The headline figures show a need to plan for c 78,000 new homes and 564 ha of new employment land across the four districts. In terms of land supply, there is enough land across the whole of the Black Country's urban area to accommodate 40,622 homes which is 53% of overall need.
- 4.4 The BCP Issues & Options process took place in 2017 and a Draft Plan was consulted on during Summer/Autumn 2021. It was established that housing need in particular, could not all be met on vacant brownfield land in the urban area. The remaining significant shortfall triggered the "exceptional circumstances" that warrant a review of the Green Belt. The draft Plan therefore proposed to build around 7,800 homes in the Black Country Green Belt, but only a very small proportion of this would have been in Sandwell. A further c9,800 dwellings were secured through "Duty to Cooperate" discussions with neighbouring shire areas.
- 4.5 Potential release of land from the Green Belt meant that the BCP needed to allocate this land to avoid it becoming what is known as 'white land' with no specific allocation and therefore vulnerable to speculative development. For consistency, the BCP therefore included all but the very



smallest housing and employment land allocations and thus would have replaced large parts of the current Tier 2 plans. The exceptions were the four strategic centres of Brierley Hill/Merry Hill, Walsall, West Bromwich and Wolverhampton. These were intended to remain covered by existing and reviewed Tier 2 Area Action Plans.

- 4.6 The 2021 Draft Plan consultation resulted in over 19,000 responses with many of these objecting to the proposed housing sites located in the Green Belt in Dudley and Walsall. Since this consultation, officers have been preparing the BCP Submission Plan ready for consideration at Cabinets (originally intended for September/October 2022) prior to further public consultation in November/December 2022.
- 4.7 During the process of preparing the Submission version of the BCP, it became increasingly clear that Dudley would not feel able to approve a Plan that included the green belt releases in the Pensnett area (on two large sites known as 'Land at Holbeache' and 'The Triangle'), due to the scale of opposition to these proposals.
- 4.8 A strategic approach to site allocation and rejection had been agreed by the four authorities at a very early stage in the plan's preparation and was used to determine site selection across the whole of the BCP area. In effect, the position adopted by Dudley would almost certainly have resulted in the BCP being found unsound at Examination. The process by which these green belt sites were proposed for removal from the Plan was not consistent with the strategic methodology previously agreed and applied by the Black Country authorities to other sites, including many 'brownfield' sites. Officers considered that proceeding on this basis could not be recommended to Leaders. In reaching this recommendation, the officers had sought advice from the Planning Inspectorate (PINS), Planning Advisory Service (PAS) and high level legal opinion.
- 4.9 It was intended to present five options for proceeding to ABCA on 19<sup>th</sup> October;
1. The BCP is approved by all four BCAs with the Dudley strategic green belt sites deleted.
  2. The BCP is approved by all four BCAs with the Dudley sites retained.



3. The BCP is taken forward by three of the BCAs – Sandwell, Walsall and Wolverhampton and Dudley proceed with a new Dudley Plan.
4. The 4 BCAs produce individual Local Plans.
5. Local Plan work is paused to await the implications of Government's revised planning system.

4.10 However, on the 6<sup>th</sup> October the Leader of Dudley Council released a statement indicating Dudley's intention to pull out of the BCP and to produce its own Local plan. Option 1 (Dudley strategic green belt sites deleted) and Option 2 (Dudley sites retained) were both ruled out prior to the meeting.

4.11 At the meeting it was agreed that the other three LAs would also proceed with separate Local Plans and that the BCP process should now be halted.

### **The Local Plan in Sandwell and the implications of the decision to halt the Black Country Plan**

4.12 It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. The Government has previously expressed a desire to see full Local Plan coverage across England by December 2023, or as soon as is practical after that date. In addition, it is also a requirement of the WMCA Housing Deal that the constituent authorities review and adopt their local plans in a timely manner.

4.13 In Sandwell the Local Plan consists of;

- Tier 1** ***Black Country Core Strategy (BCCS)*** prepared jointly with Dudley, Walsall and Wolverhampton. It was adopted in 2011 and runs to 2026
- Tier 2** ***Sandwell Site Allocations & Delivery Plan (the SAD)*** which was adopted in 2012 and ran till 2021  
***West Bromwich Area Action Plan (WBAAP)*** which was adopted in 2012 and runs to 2026

There are two earlier AAPs covering Smethwick and Tipton which, technically, are still relevant. These AAPs, however, were largely





absorbed into the SAD on its adoption and will be fully superseded by any new Sandwell Local Plan (as they would have been by the BCP).

- 4.14 Planning legislation requires that Local Plans are kept up-to-date by periodically reviewing them, with a review usually commencing five years after adoption. The BCP was intended to be the review of the BCCS, but it would also have replaced some tier 2 plans. In Sandwell it would have replaced large parts of the SAD but not the WBAAP.
- 4.15 At this point it is worth noting that the SAD horizon date of 2021 means that in Sandwell, the Local Plan is now partially out of date. Indeed, the Local Plan is rapidly approaching the point where it would be considered wholly out of date due to the age of the other documents, and the significant changes to local and national circumstances that have occurred since their adoption.
- 4.16 The recent West Bromwich Interim Planning Statement (2022) acknowledges the increasing degree to which, in practice, the WBAAP is also out of date, notwithstanding its horizon year of 2026. However, the need for Tier 2 plans to conform with Tier 1 – (which was intended to be the BCP) - means that Sandwell has had to pause its Tier 2 review until the future of the BCP had been agreed.
- 4.17 The decision to halt the BCP, together with the age and status of Sandwell's Tier 2 Plans (and associated documents), means that, increasingly, the Local Plan as a whole will carry less weight in the decision-making process. This will be the case particularly when the Local Plan is being relied upon to support planning decisions at appeal.
- 4.18 Sandwell therefore needs to commence a full review of its Local Plan as a matter of urgency. In order to do this, it will be necessary, in the first instance, to consider the form that a Sandwell Local Plan will take.
- 4.19 The ABCA decision does not mean that each authority simply takes those elements of the BCP that apply to it and package them up as a Local Plan. Some of the BCP evidence will need to be re-visited or updated. In addition, those authorities with Tier 2 plans that are due for review,



including Sandwell, will need to decide how to incorporate these reviews into the process.

4.20 Local Plans generally consist of two parts, as follows;

- 1) containing strategic policies and guidance on broad locations for development;
  - 2) identifying detailed policies to deliver the strategy and specific site allocations for various land uses, infrastructure delivery and other designations such as community open space, conservation areas etc.
- The Local Plan also identifies the boundaries of the Green Belt.

In many authorities, the Local Plan consists of two tiers in separate documents, corresponding to the two parts described. The two-tier approach is currently the case in Sandwell, as described in para. 4.13. The decision to abandon the BCP, however, means that the replacement for Tier 1 is no longer in preparation.

4.21 Sandwell could continue with the two-tier approach in preparing a Sandwell Local Plan. Much of the spatial strategy will be similar to that envisaged in the BCP and therefore could be relatively quickly prepared and taken through to adoption. However, this would further delay the completion of a fully up-to-date local plan. In addition, the need to review policies and site allocations means that the Tier 2 element would have to follow very quickly afterwards. This would result in overlapping consultations with the two tiers at different stages, which may result in uncertainty for investors and developers, and be confusing to the public. A single-tier Local Plan with the strategy, policies and site allocations in a single document is therefore recommended.

## **Housing and Employment land need in Sandwell**

4.22 The BCP evidence base shows that, by 2039 (the intended horizon year for the BCP), Sandwell will have a need for 27,873 new homes and a minimum of 55ha of new employment land. The last edition of the Urban Capacity Study, which identifies the amount of land available for





development, shows that Sandwell only has enough land to deliver around 9,500 new homes resulting in an un-met need of almost 19,000 homes.

- 4.23 Sandwell's housing need is the largest of the four Black Country LAs whilst its supply is the smallest. The table below sets this out;

**Housing and Employment Land Shortfalls by BCLA (negative figure indicates surplus capacity against local need)**

Local authority	Homes need	Homes supply	Homes Shortfall	Emp. land need (ha)	Emp. land supply (ha)	Emp. Shortfall (ha)
Dudley	11,989	13,235	-1,246	61-137	20	41-117
<b>Sandwell</b>	<b>27,873</b>	<b>9,158</b>	<b>18,715</b>	<b>84-215</b>	<b>29</b>	<b>55-186</b>
Walsall	16,568	13,344	3,224	138-193	164	-26-29
Wolverhampton	19,646	12,100	7,546	110-150	70	40-80

Figures based on supply and need set out in Reg18 Draft BCP and Urban Capacity Report Update. Employment land need is expressed as a range based on either a 'trend-based' or 'growth-based' scenario.

- 4.24 The ABCA decision, and the subsequent need to prepare a Sandwell Local Plan as an alternative, means that the end date for the new plan will be 15 years beyond the projected adoption date. This will result in further annual need being added to these figures.
- 4.25 The housing need versus available land supply clearly results in Sandwell Council being unable to meet two thirds of its need. The Local Plan will need to demonstrate that every potential site has been considered and all suitable sites allocated. Furthermore, any potential exporting of unmet need would have to be demonstrated through 'Duty to Cooperate' discussions. Evidence previously prepared for the BCP clearly shows that neighbouring authorities can, if willing, help met this need through the 'Duty to Cooperate' (outlined below).
- 4.26 Demonstrating how the plan seeks to meet the housing need is likely to be the most important test of the plan's soundness at examination. It is considered that Sandwell could adequately demonstrate that the supply has been maximised and that the Duty to Cooperate has been adequately discharged, even if, ultimately, this does not result in any of the unmet need being exported to neighbouring authorities.



## The Duty to Cooperate

- 4.27 The 2011 Localism Act places a legal duty on local planning authorities in England, and other public bodies, to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not, however, a 'duty to agree'. Failure to comply with the duty will result in plans not being approved, but it is not a failure of the process should agreement with other councils not be forthcoming.
- 4.28 In effect, the duty was discharged as far as the Black Country LAs are concerned through the preparation of a joint Local Plan and through joint DTC conversations with other authorities. With the abandonment of the BCP, this is no longer the case. Sandwell will therefore need to enter into DTC discussions with nearby local authorities including, but not limited to;
- Birmingham City Council
  - Dudley MBC
  - Walsall MBC
  - City of Wolverhampton
  - Bromsgrove District Council
  - Worcestershire Country Council

In addition, Sandwell will need to have DTC discussions with a number of other public bodies, such as WMCA/TfWM, National Highways etc.

- 4.29 The DTC is the process by which any un-met need could, with agreement, be exported to neighbouring areas. However, as discussed in paragraph 4.21, both Walsall and Wolverhampton also have significant levels of unmet need, as does Birmingham City Council. An agreement on how surplus supply in adjacent areas is apportioned will form a crucial element of ongoing DTC discussions.



## The Local Plan Process

4.30 The process for preparing a Local Plan document is set out in planning legislation and guidance. There are several stages in the process;

### 1) Evidence gathering and Call for Sites

- How much housing and employment land is needed?
- What is the demand for retail?
- What supporting infrastructure is required?
- What land is available and deliverable?
- Ecology and Environmental matters, etc.

### 2) Issues & Options Stage

- This is the first stage of public consultation on what the Local Plan should look at and how it might address need.
- The public, stakeholders and other interested parties are invited to give their views on what the new plan should cover in its policies and are asked to consider various options around how those issues might be addressed in more detail.
- Representations received will inform the preparation of the preferred options or draft plan.

### 3) Preferred Options Stage

Consultation on Plan options, with a further opportunity for the public and others to give their views on;

- The direction of travel of the plan.
- Its policies.
- Any alternative approaches to important issues that have been identified.

This stage can be omitted where there are few alternatives available. Representations received will inform the next stage.

### 4) Draft Plan

Consultation on the first full version of the Local Plan. Representations received will inform the next stage.



## 5) Submission Plan

- Consultation undertaken on the final version of the plan which will then be submitted to the Secretary of State along with any representations received.
- No changes are made at this stage, but consultation will allow the public and interested parties the opportunity to flag up any issues or concerns about the soundness of the plan.

## 6) Examination In Public (EIP)

A Government-appointed Inspector will hold an EIP at which the Plan will be examined to established if it is 'sound'. To be sound the plan must be;

- *Positively prepared* – this includes being based on an objective assessment of development and infrastructure requirements.
- *Justified* – this includes looking at the levels of consultation and participation, and that the plan is based on the evidence.
- *Effective* – Is the plan realistic? Can it be delivered?
- *Consistent* with national policy and legal requirements.

The independent Inspector will:

- Consider the policies and proposals in the plan.
- Consider any issues raised around its soundness and legitimacy of approach.
- Preside over the public examination into it, where interested parties can attend and discuss their views on the plan in public.

The Inspector can either find the plan;

- Sound – it can be adopted;
- Unsound – need to reconsider and possibly start again; or
- Recommend changes which would have to be consulted on.

## 7) Adoption

The Council adopts the Plan so that it becomes policy and the basis for planning decisions.



## Future Government Planning Policy

- 4.31 The last Queen's Speech included 'The Levelling Up & Regeneration Bill' which proposed significant changes to the planning system, with implications both for how a Local Plan is prepared and what it should cover. It also sought to abolish the 'Duty to Cooperate', although as yet, there is no detail as to what is intended to replace it. With the recent changes of Prime Minister and Government portfolio leads, it is unclear if this bill will continue its passage through Parliament or be revised/replaced. Initial indications are that the new Government intends to abolish housing targets, whilst retaining the ambition, nationally, to deliver 300,000 new homes per annum. Furthermore, the new housing minister has stated that there is no intention to change policy in relation to the green belt.
- 4.32 In relation to future Government planning policy, the picture remains uncertain, except for the likelihood that there will be changes to policy and process of a yet-to-be confirmed form. A recent ministerial letter to ABCA, however, reiterates that LPAs should continue with Local Plan reviews under the current legislation in order to adopt up-to-date plans by December 2023, or as soon as is reasonably practical after that date.

## Scope for continued joint working within the Black Country

- 4.33 There are some areas of the local planning process where joint working across the Black Country would be desirable and, in certain instances, be considered essential. The following is by no means an exhaustive list, but liaison could include;
- Climate Change and Environment (in part)
  - Infrastructure
  - Waste and Minerals
  - Transport
  - Health & wellbeing (in part)
- 4.34 As much of the work around transport strategy has its basis in the West Midlands Local Transport Plan (prepared by TfWM), joint working





particularly in this area, is invaluable. So, an agreed joint Transport Strategy, that underpins any combination of local plans within the sub-region, is recommended. This would clearly require some agreement around joint procurement and funding of any additional research/consultancy work.

### Potential timetable for production of a single Sandwell Local Plan

4.35 The following is the proposed timetable for the adoption of a single-tier Sandwell Local Plan;

7 <sup>th</sup> December 2022	Cabinet approval to consult on an Issues & Options paper and open a Call for Sites exercise
February - March 2022	Six-week Issues & Options consultation and Call for Sites
March – August 2023	Draft Plan preparation
September 2023	Cabinet approval to consult on Draft Plan
October - December 2023	Six-week Draft Plan consultation (Reg18)
January – June 2024	Consideration of representations and Submission Plan preparation
July 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)
November 2024	Submit the Plan and representations to the Secretary of State
December 2024 – Summer 2025	Window for holding the Examination in Public (likely to be a 2-3 week-long hearing) followed by Inspector's report
Late 2025/Early 2026	Adoption at Full Council (assuming plan has been found 'sound')

4.36 As can be seen, this would result in Sandwell achieving a fully up-to-date adopted Local Plan in late 2025 at the earliest. This is fully two years beyond the target date of December 2023, previously set by Government; and twelve months behind the estimated adoption date of the BCP. However, given the recent delays resulting from the issues relating to the Dudley green belt sites, even continuing with a joint Local Plan with Walsall and Wolverhampton inevitably would have been subject to delays, and would have pushed the adoption date into 2025 due to the need to revisit evidence.



4.37 There is almost no scope to reduce this timetable under current regulations covering the preparation of Local Plans. Indeed, it is very challenging and will require the whole of the existing Planning Policy Team to be dedicated to its production, as well as support from other areas of the Council.

## **Resource Implications**

4.38 There is currently a budget of £82,000 per annum allocated to preparation of the Black Country Plan and other Local Plan-related work. This budget was based on much of the work being funded jointly and using pooled staff resources. In some cases, this includes specialisms that only sit in one authority. The BCP also paid for a one-quarter share of the cost of the dedicated, temporary, Project Manager post, nominally employed by Dudley MBC, but working across the four authorities.

4.39 It is estimated that the costs of refreshing existing evidence and the commissioning of new evidence, will require c£500k over the four financial years covered by the plan preparation timetable. Whilst a funding profile is yet to be determined, this translates to £125k per annum, if applied uniformly.

4.40 There will also be an additional staff resource requirement. The preparation of a Sandwell-only Local Plan will require the existing Planning Policy Team to dedicated most of their staff time exclusively to the Local Plan. With the BCP the project and programme management function was carried out by the dedicated officer mentioned in paragraph 4.38 above. The provision of a similar role for the Sandwell Local Plan will require the creation of a new post within the team.

4.41 Finally, in order to maintain delivery of the other functions carried out by the Planning Policy Team, it is also recommended that an additional post at Senior Planner level be created. Combined, these new posts are provisionally estimated to require an additional £89-97,000 per annum (subject to Job Evaluation).



- 4.42 In total, the preparation of a Sandwell only Local Plan is estimated to cost around £140,000 per annum over and above the existing budget already allocated for the preparation of the BCP, which would be redirected to the Sandwell plan. This is based on the upper estimate of the additional staffing costs.
- 4.43 Overall, between now and March 2026, the preparation of a Sandwell Local Plan is estimated to cost £888,000. This compares with the £332,000 allocated to the BCP up to adoption in 2024/25. Over the same period, some additional expenditure would have been incurred in relation to the review of the Tier 2 plans, had the BCP proceeded. However, this clearly represents an additional burden on Sandwell Council as a direct consequence of the decision not to proceed with the BCP as a result of Dudley's change of position.

### **Local Development Scheme 2022 (as amended)**

- 4.44 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 will be subject to Cabinet and Full Council approval at the relevant stages.
- 4.45 The initial LDS was approved by the Cabinet Member for Environment and Transport on 1st February 2005. It has subsequently been revised annually. The last LDS review was only approved by Cabinet in June 2022. However, the recent decision to halt the Black Country Plan, and the recommendations contained in this report, mean that a further amendment to the LDS is required to reflect this.
- 4.46 The Council needs to review its planning documents at regular intervals to assess whether some or all of them need updating. The LDS sets out the documents that will be prepared by the Council as part of the Local Plan for the Borough. It also provides information on the timetabling of several existing approved planning documents which need to be reviewed.



4.47 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.

4.48 An Equalities Impact Assessment (EIA) has not been carried out for the LDS. 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.

## 5 Alternative Options

5.1 The preparation of a Local Plan and the regular updating of the Local Development Scheme are statutory requirements under planning legislation. Options relating to the form and content of the Local Plan are set out in the body of the report.

## 6 Implications

<b>Resources:</b>	<p>There is currently a budget of £82,000 per annum allocated to preparation of the Black Country Plan and other Local Plan-related work. However, this budget was based on much of the work being funded jointly and using pooled staff resources, including in some cases specialisms that only sit in one authority. It also paid for a one-quarter share of the cost of the dedicated temporary Project Manager post, nominally employed by Dudley MBC, but working across the four authorities.</p> <p>It is estimated that the cost of refreshing existing evidence and the commissioning of new evidence will require c£500k over the four financial years covered by the plan preparation timetable. Whilst a funding profile is yet to be determined, this translates to £125k per annum if applied uniformly. This represents an additional cost of £42k per annum.</p>
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	<p>In addition, there will be a staff resource requirement consisting of 1 x Senior Planner and 1 x Programme Management Officer which is estimated to require an additional £89-97,000 per annum (subject to Job Evaluation).</p> <p>In total, the preparation of a Sandwell only Local Plan is estimated to cost around £140,000 per annum over and above existing budget already allocated for the preparation of the BCP (which would be redirected to the Sandwell plan).</p>
<b>Legal and Governance:</b>	<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 LDS, specifying the documents that will be local development documents; their subject matter and area; and the timetable for their preparation and revision.</p>
<b>Risk:</b>	<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>





	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.
<b>Equality:</b>	<p>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.</p> <p>The new Local Plan will be the subject of an EIA as part of its preparation, and this will be reported in due course.</p>
<b>Health and Wellbeing:</b>	Health and wellbeing is a key theme which will be addressed throughout the Local Plan and other documents covered by the LDS. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation
<b>Social Value</b>	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.

## 7. Appendices

Appendix A – Updated Local Development Scheme (LDS) 2022

Appendix B – Local Development Scheme timeline 2022

## 8. Background Papers

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The National Planning Policy Framework (July 2021)

Draft Black Country Plan (2021)

