

# Report to Cabinet

**29 September 2021**

<b>Subject:</b>	Sandwell Local Development Scheme 2021
<b>Cabinet Member:</b>	Cabinet Member for Regeneration and Growth Councillor Padda
<b>Director:</b>	Director for Regeneration and Growth Tony McGovern
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Senior Planner Samantha Holder <a href="mailto:samantha_holder@sandwell.gov.uk">samantha_holder@sandwell.gov.uk</a> Strategic Planning & Transportation Manager Andy Miller <a href="mailto:Andy_miller@sandwell.gov.uk">Andy_miller@sandwell.gov.uk</a>



## 1 Recommendations

- 1.1. That approval be given to the updated Sandwell Local Development Scheme (LDS) 2021 as set out in the Appendix. That the Director for Regeneration and Growth be authorised to make minor changes to the Local Development Scheme that may be required prior to making it available to the Public, in consultation with the Cabinet Member for Regeneration and Growth.

## 2 Reasons for Recommendations

- 2.1. The purpose of this report is to seek approval to the updated Local Development Scheme 2021.
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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.
- 2.6. For these reasons it is recommended that the updated Sandwell LDS be accepted.



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

	Best start in life for children and young people – the 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 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 LDS will build in effective community involvement and will be important to local communities.
	Quality homes in thriving neighbourhoods - 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 BCP and Sandwell Development Plan 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 LDS. The LDS 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. The initial LDS was approved by the Cabinet Member for Environment and Transport on the 1st February 2005 and has subsequently been revised annually. The last LDS review was approved by Cabinet in September 2020 (minute 75/2020 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.



## Local Plan Update - Black Country Plan [BCP]

- 4.3. 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.
- 4.4. 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
- 4.5. 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.
- 4.6. The Sandwell Site Allocations and Delivery Development Plan Document identified sufficient sites and areas to meet the Borough's housing and employment needs, and protects 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.
- 4.7. Following consideration of the issues raised during previous public 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 will 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. 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.



- 4.8. This means that the BCP now allocates: -
- Sites to be released from the Green Belt (details to be confirmed)
  - All new housing allocations (details to be confirmed)
  - All new employment allocations (details to be confirmed)
  - Any other new allocations for other uses
  - All current housing allocations over 50 units
  - All current employment allocations over 0.4ha
  - All changes to site allocations from existing plans
- 4.9. All site allocations 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.
- 4.10. 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.
- 4.11. The NPPF was originally revised in February 2019 and is used in plan-making and the determination of planning applications and appeals. The changes further emphasize the need for authorities to keep their plans up-to-date and to make sure enough housing is built to meet local needs.
- 4.12. The NPPF was revised further in 2021. The presumption in favour of sustainable development has been retained, but for plan-making (paragraph 11a) it has now been updated to have a “greener” focus, including new requirements for development to improve the environment and mitigate climate change.
- 4.13. Due to the impact of COVID19 on the workings of local authorities across the Black Country and beyond, a decision was taken in 2020 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 schedule. This meant that the timetable was updated to reflect this change, which had implications for the other local plan documents related to it.



- 4.14. As a result, Sandwell's LDS was updated again last autumn, sooner than anticipated, to ensure that local people and Councillors were in possession of the most accurate timescale for forthcoming plans and documents that will affect them and their environment.
- 4.15. The current programme for the preparation for the Black Country Plan (subject to local authority ratification) is:
- Issues and Options consultation (completed) - July – September 2017
  - Publish revised timetable
  - Publish further evidence
  - Open 'call for sites' consultation for 6-8 weeks - June-July 2020
  - Publish delivery evidence - December 2020
  - Cabinet consideration of Draft Plan - July 2021
  - Draft Plan Public Consultation (eight weeks) - August-October 2021
  - Cabinet consideration of publication version of BCP - July 2022
  - Publication Public Consultation - August-September 2022
  - Submission of Plan - March 2023
  - Examination - April 2023 - March 2024
  - Adoption - April 2024

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

- 4.16. 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, last year's change in approach and the delay to the BCP review timetable has had a knock-on effect on their review.
- 4.17. 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:
- Issues & Options Consultation - January 2022
  - Draft Plan consultation - October 2022



- Plan Publication - October 2023
  - Submission to Secretary of State - March 2024
  - Examination in Public - Summer 2024
  - Adoption - March 2025
- 4.18. 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.
- 4.19. 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.
- 4.20. 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.
- 4.21. The West Bromwich Area Action Plan (WBAAP) forms part of the Statutory Development Plan; it was adopted in 2012 and expires in 2026.
- 4.22. 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.
- 4.23. 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.



4.24. Work is currently underway on the production of the West Bromwich Masterplan, in tandem with the emerging Interim Planning Statement. Public consultation has been carried out on the emerging masterplan recently and a number of comments have been received.

## 5 Alternative Options

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

## 6 Implications

<b>Resources:</b>	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
<b>Legal and Governance:</b>	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
<b>Risk:</b>	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.
<b>Equality:</b>	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
<b>Health and Wellbeing:</b>	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
<b>Social Value</b>	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.



**7. Appendices**

LDS Report 2021

LDS Summary Timetable 2021

**8. Background Papers**

The Sandwell Local Development Scheme (LINK)

The Planning and Compulsory Purchase Act 2004

The Localism Act 2011

The National Planning Policy Framework (July 2021)

