

Report to Economy, Skills, Transport and Environment Scrutiny Board

8 November 2023

Subject:	Sandwell Local Plan – Consultation on the Draft Sandwell Local Plan
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1 Recommendations

- 1.1 That the Board considers and comments on Draft Sandwell Local Plan (Appendix A), Draft Proposals Map (Appendix B) and supporting documentation (Appendices C,D and E).

2 Reasons for Recommendations






- 2.1 It is a statutory requirement of every Local Planning Authority to have an up-to-date Local Plan. Following the demise of the Black Country Plan in 2022, Sandwell is producing its own plan – the Sandwell 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. However, the Government is currently consulting on a proposed new system for producing local plans and has



indicated that the last date for submitting a revised local plan under the current system will be 30th June 2025. Officers have been working to a timetable that will enable the Sandwell Local Plan to be submitted prior to that date. The timetable for the production of the Local Plan is set out in the Sandwell Local Development Scheme which is available to view in the Planning Policy pages of the Sandwell website. The Draft Sandwell Local Plan is the next stage in the preparation of the Local Plan.

2.2 The next stage in the Local Plan’s preparation is the publication for consultation of the Draft Plan. Cabinet approved the Draft Plan for consultation on 18th October 2023. Consultation began on 6th November and will run for six weeks, ending on 18th December. The views of the Board are sought as part of this consultations.

3 How does this deliver objectives of the Corporate Plan?

	<p>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.</p>
	<p>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.</p>
	<p>Strong resilient communities – The Local Plan will build in effective community involvement and will be important to local communities.</p>
	<p>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.</p>
	<p>A strong and inclusive economy - The Local Plan will provide the regeneration framework for future investments and projects.</p>





A connected and accessible Sandwell - Sustainability is a key theme addressed throughout the documents of the Local Plan. 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

Issues & Options

- 4.1 The Issues and Options consultation held in February and March 2023 was the first stage of the Local Plan process. It is a scoping exercise that seeks to involve local people, businesses, and other stakeholders in identifying what the new plan should address. It provides an initial opportunity for interested parties, the public and stakeholders to engage in the process, and to help inform the next stage of the plan.
- 4.2 The Issues and Options consultation was held between 6th February and 20th March 2023. The Council received 613 representations from 42 individuals. The main issues arising from the consultation were reported to the Cabinet on 26th July 2023.
- 4.3 The representations received during the Issues and Options consultation and the Council's response to them, will be published as part of the evidence base for the Draft Plan consultation. Since the close of the Issues and Options consultation, officers have been working to produce the Draft Sandwell Local Plan.

The Black Country Plan

- 4.4 Prior to the Sandwell Local Plan, the four Black Country boroughs worked together to produce a joint local plan – the Black Country Plan. Unfortunately, the demise of the Black Country Plan in 2022 has meant that the four Black Country Authorities are now producing individual local plans.



- 4.5 The Draft Sandwell Local Plan results from extensive work which has taken place since 2016 when the process of producing the Black Country Plan began. A significant body of technical evidence has been produced for the Black Country Plan and this has been used to inform the Sandwell Local Plan. The evidence includes Sandwell's future housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required), the employment land need and supply (including the suitability of existing employment premises for long term retention), and studies of town centres, waste, minerals and environmental studies including flood risk and greenbelt.
- 4.6 New evidence commissioned for the Sandwell Local Plan includes an update of the transport modelling, an Infrastructure Development Plan, a Viability and Deliverability Assessment, nature conservation assessments, a review of the Rowley Hills Strategic Open Space and an assessment of council owned sites as receptors for Biodiversity Net Gain. An update to the Strategic Flood Risk Assessment will also be commissioned. Alongside this, a detailed assessment of over 120 potential sites to be allocated in the Plan has been carried out to determine which site allocations would be most appropriate for the Plan. All of this evidence will be available on the Sandwell website.

Key Elements of the Sandwell Local Plan

- 4.7 The draft Sandwell Local Plan will comprise the following elements:
- Sandwell 2041: the spatial vision, priorities and objectives
 - The Spatial Strategy
 - The Development Strategy
 - Local Plan Policies
 - The Site Allocations
 - The Policies Map
 - Sustainability Appraisal
- 4.8 Cabinet will note that the full text of the Draft Sandwell Local Plan and its appendices (appendix A), along with the Policies Map (appendix B), the



Sustainability Appraisal and its appendices (appendix C), the consultation and stakeholder engagement plan (appendix D) and the Equalities Impact Assessment (appendix E) are attached as appendices to this report. The other supporting documents can be found on the Sandwell website. <https://www.sandwell.gov.uk/planning/sandwell-local-plan/2>

- 4.9 This section of the report provides a brief overview and summary of some of the key aspects of the draft Sandwell Local Plan.

Sandwell 2041: The Vision

- 4.10 The Vision for Sandwell at 2041 includes the Council being at the forefront of the climate change agenda and mitigating the impacts of climate change. This added to healthier residents, a sustainable economy and thriving town centres will put Sandwell at the forefront of urban renaissance in the West Midlands region.

The Spatial Strategy

- 4.11 The proposed Spatial Strategy aims to achieve a balance of housing and employment growth across the borough while at the same time, incorporating many elements of a green growth strategy.
- 4.12 The strategy is realistic about what we can actually achieve over the next 15 years, whilst at the same time being forward-looking and designed to deliver development that positively enhances opportunities for Sandwell residents to benefit from a greener and healthier environment. As well as being an important factor in people's health and wellbeing, a green environment is one that is more attractive to investors and future residents.

Climate Change

- 4.13 The approach to climate change within the draft Sandwell Local Plan continues to deliver the approach set out in the Black Country Plan and



will help developers and local people be clear about what they can do to help the Council address the issues. Climate Change is now very much an issue for Local Planning Authorities and it is important that the council sets out its requirements in the Sandwell Local Plan, especially where we are pursuing our own agenda, such as heat networks for West Bromwich, power from waste etc. This approach aligns with the Council's adopted Climate Change Strategy and supports other aspects of the Council's climate change agenda.

Development Strategy

4.14 The policies that make up the development strategy set out the scale and distribution of new development for the Local Plan period to 2041 and aim to achieve the following:

- the delivery of at least 11,167 net new homes and create sustainable mixed communities including a range and choice of new homes;
- the retention and protection of at least 1,206ha of employment land (of which 29ha is currently vacant).
- ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified requirements;
- increased access to green spaces and new public open spaces;
- minimise and mitigate the likely effects of climate change, recognising the multifunctional benefits that open spaces, landscaping, trees, nature conservation habitats and both green and blue infrastructure can deliver in doing so;
- resisting inappropriate development in the green belt;
- promote the use of zero- and low-carbon designs, building techniques, materials and technologies in all new development.
- delivering as much new development as possible on previously developed land and sites in the urban area;
- regenerating existing housing and employment areas;
- supporting and enhancing the sustainability of existing communities through the focussing of growth and regeneration into West Bromwich and other town centres and regeneration areas.



Housing and Employment Land

- 4.15 Housing need is now determined by the standard method set by the Government. This indicates that an additional 29,773 homes need to be provided across Sandwell over the period 2022-2041. Sandwell currently is only able to accommodate approximately 11,167 new dwellings during this period. This has left the council with a substantial shortfall in housing supply of approximately 18,606.
- 4.16 Employment land need has been determined through the economic forecasts in the Black Country Employment Demand and Needs Assessment (EDNA) up to 2040. Based on past completions, the mid-scenario figure of 185ha identified in the EDNA is considered achievable over the plan period. The supply of land available and suitable for employment use is just 42ha (including past completions for the period 2020 – 2022). This includes windfall supply, generated through intensification / recycling, resulting in a vacant land supply of 29ha. Any remaining shortfall will be met in the Black Council Functional Economic Market Area (the Black Country FEMA). The local authorities that form part of the Black Country FEMA have been engaging through the Duty to Cooperate to help address the shortfall across the Black Country FEMA as a whole.
- 4.17 The majority of development in the existing urban area is making use of brownfield land (i.e. previously developed land), vacant properties and surplus industrial land. This land is located in:
- West Bromwich Town Centre.
 - The core Regeneration Areas of West Bromwich and Carters Green, Dudley Port, Smethwick and Wednesbury to Tipton metro line
 - Existing Towns and Neighbourhoods Areas.
- 4.18 However, due to the constrained nature of Sandwell, in that it is an historic industrial area with many ground condition issues and is surrounded on all sides by metropolitan urban areas, the identification of new sites is difficult. This means that we are running out of land for new



housing. In addition, due to Sandwell's relatively small amount of Green Belt and its significant constraints, such as Nature Conservation protection and Flood Zone restrictions, the council will not be allocating any sites within the Green Belt.

Duty to Co-operate

4.19 In order to try to address some of the housing shortfall, Sandwell has been continuing with the Duty to Cooperate discussions with neighbouring authorities that were started as part of the Black Country Plan. Discussions with South Staffordshire, Shropshire, Lichfield and Telford and Wrekin councils yielded potential housing and employment contributions of 295 homes and an amount of employment land yet to be determined. Sandwell is continuing discussions with these authorities in order to clarify whether these offers are still available to us. Discussions are also on-going with the Black Country authorities to agree how any remaining offers are apportioned within the Black Country and despite these contributions, a substantial shortfall will remain. The final outcomes of these discussions have not yet been agreed and are subject to a number of factors, in particular the future Government announcements on the new planning system and a revised National Planning Policy Framework (NPPF).

Local Plan Policies

4.20 The Draft Local Plan includes a number of new and updated policies. The existing Black Country Plan policies, Site Allocations & Delivery Plan and Area Action Plan policies and masterplanning work have largely been carried forward into the Plan with some updating. There are a number policy changes or updates which will be addressed in the following paragraphs.

Green Belt

4.21 The policy aims to maintain a defensible boundary around the Sandwell green belt, to help promote urban renaissance, to maximise its role in



helping to mitigate climate change impacts and to support easy access to the countryside for residents. Sandwell green belt's nature conservation, landscape, heritage and agricultural value will be protected and enhanced.

Housing

Affordable Housing

4.22 In order to meet local needs, the Local Plan requires that a sufficient proportion of new homes provided over the plan period should be affordable. The draft policy states that the minimum proportion of affordable housing that should be provided, subject to viability, is 25%. In addition, 25% of the affordable homes required by the policy will be First Homes tenure, as defined in national guidance. The remaining tenures will be determined by local need.

Houses in Multiple Occupation (HMO)

4.23 An HMO is defined as homes accommodating three or more unrelated households who typically share kitchens, lounges, and bathrooms. There are a significant number of HMO properties in Sandwell and it is recognised that an over-concentration of HMO properties can lead to a loss of family-sized units in an area which is the type of house in greatest need. This can pose a serious issue for maintaining a mixed sustainable housing offer across Sandwell. The proposed HMO policy introduces a 10% threshold for HMOs which means that no more than 10% of houses within a 100m radius of the planning application site can be HMOs. There is also a proposed new policy to protect family housing and prevent subdivision and conversion to small HMOs.

Housing for People with Special Needs

4.24 The draft Plan includes a new policy for Housing for People with Special Needs. The proposed policy states that any new proposals for specific forms of housing including children's homes, care homes, nursing



homes, extra care facilities are best located in areas that are close to local facilities and amenities and accessible by public transport, whilst not having a negative impact on the surrounding area.

Employment Land

- 4.25 The employment land policies aim to ensure sufficient development opportunities are provided to meet the demand for economic growth and support the diversification of Sandwell's economy. The policies aim to deliver a portfolio of sites of various sizes and quality to meet a range of business needs, both strategic and local needs.
- 4.26 The Strategic Employment Areas are characterised by excellent accessibility, high-quality environments and clusters of high technology growth sector businesses. These areas will be safeguarded for manufacturing and logistics uses within Use Classes E(g)(ii), E(g)(iii), B2 and B8. The Local Employment Areas are characterised by a critical mass of industrial, warehousing and service activity with good access to local markets and employees. These areas will provide for the needs of locally based investment.

Centres and Regeneration Areas

Centres

- 4.27 The priority for Sandwell's centres is to ensure they remain focused on serving the needs of their communities, through delivering a well-balanced diversity of commercial, business and service functions. This includes retail provision and an increasing mix of leisure, office, residential and other appropriate, complementary uses that are accessible by a variety of sustainable means of transport. This will enable centres to make a key contribution to regeneration, tackling climate change, fostering healthy communities, and creating pleasant, safe public spaces to increase social interaction and cohesion. The centres have been placed into a hierarchy to ensure that any development in centres reflects the centre's scale, role, and function and



that any proposals that would undermine this strategy are resisted. A series of policies have been included within the Plan to help to achieve this aim.

Regeneration Areas

4.28 The Regeneration Areas identified on the Policies Map and the strategic centre of West Bromwich will be the focus for new development, regeneration, and public and private investment in the borough. Proposals will be subject to relevant development plan policies and the form and location of regeneration will be guided by masterplans and /or design briefs, which will be prepared by the Council in partnership with developers, promoters and other stakeholders.

4.29 Regeneration Areas have been identified in:

- West Bromwich and Carters Green
- Dudley Port
- Smethwick
- Wednesbury to Tipton Metro Corridor

4.30 A minimum of 3,414 new homes of mixed type and tenure will be delivered in these areas, plus those allocated in West Bromwich. The regeneration areas will be the principal locations for strategic employment areas and provision of high-quality employment areas.

Transport

4.31 It is acknowledged that the Covid-19 pandemic and its aftermath, and the resultant shift towards homeworking, has impacted on the way in which transport is used. In particular, there has been a significant impact on public transport patronage levels which may take many years to recover to pre-pandemic levels. However, high-quality public transport combined with the provision of an extensive safe and convenient active travel (walking and cycling) network remains at the heart of the West Midlands transport strategy.



4.32 Key transport priorities identified for delivery during the lifetime of the SLP currently include the following:

- M5 Improvements (Junctions 1 and 2)
- Midlands Rail Hub
- Wednesbury – Brierley Hill Metro corridor
- A34 Walsall Road Sprint Corridor
- Walsall – Stourbridge corridor tram-train extensions
- A4123 Corridor Upgrade
- A461 Black Country Corridor
- A457 / B4135 Oldbury, Smethwick to Birmingham Corridor
- A4034 Blackheath and Oldbury Corridor
- Dudley Port Integrated Transport Hub

Car Parking

4.33 The correct balance needs to be found between managing and pricing of parking to maximise the use of sustainable travel means to enter town and city centres, whilst avoiding restricting parking to the extent that consumers are dissuaded from using town centres and deterring new development. Therefore, the Plan contains a policy for parking management. The policy aims to ensure that parking is not used as a tool for competition between centres and supports parking for leisure and retail customers. The policy also sets out maximum parking standards for new developments as set out in the current guidance. Providing more convenient, secure and accessible cycle parking will be a critical part of increasing cycling in Sandwell and making it a natural first choice for journeys. Another key aim is to provide electric vehicle charging points in car parks and other public locations.

Biodiversity Net Gain (BNG)

4.34 The Council is committed to meeting its “Biodiversity Duty” under the Natural Environment and Rural Communities Act (2006) and to delivering the principles of the NPPF by proactively protecting, restoring and creating a richer and more sustainable wildlife and geology. With regard to our approach to Biodiversity Net Gain (BNG) the council is



adopting a positive approach to solving the problem of a lack of opportunities for habitat improvement in Sandwell and delivering at least 10% BNG by identifying sites and (eventually) projects on our own land that can be made available where developers don't have sufficient land available to them on their sites. This will enable Sandwell to benefit from retaining BNG units in the borough.

Rowley Hills Strategic Open Space

4.35 The Council has commissioned consultants to assess the current Strategic Open Space designation of the Rowley Hills and provide a reasoned justification for its continued designation as a Strategic Open Space. The evidence suggests that the Rowley Hills remains an important area for recreation and biodiversity and the protection of the openness of the area should continue. Therefore, the Rowley Hills will remain designated as strategic open space and the policy will be updated to reflect the recent survey work and assessment.

Development Management Policies

4.36 The development management policies will remain in the plan and have been updated to reflect current circumstances and to take into account any changes in legislation. However, two policies have been included in the Plan for the first time - Hot Food Takeaways and Gambling Institutions.

Hot Food Takeaways

4.37 The Council has pledged to improve its population's health and wellbeing and to reduce health inequalities. One of the challenges the Council faces in promoting healthy eating is the unrestricted availability of foods high in fat, salt and sugar in local neighbourhoods, often associated with hot food takeaways. Therefore, controls over the prevalence of hot food takeaways (HFTs) have been set out in planning policy.



- 4.38 The policy introduces a limit for the appropriate number of HFTs in centres as follows:
- 40 units or more = no more than 7% of frontages
 - less than 40 units = no more than 12% of the frontages. This includes planning permissions and vacant units with an HFT as their lawful use.
- 4.39 The policy also introduces a limit on the clustering of HFTs as follows:
- No more than two hot food takeaway outlets should be located next to each other
 - No new hot food takeaway developments will be permitted where they are within 400 metres of a secondary school or college site.

Gambling Activities and Alternative Financial Services

- 4.40 The draft plan introduces a policy that will ensure that planning permission for a payday loan shop, pawnbroker, amusement arcade or betting shop within a retail centre will not be granted if to do so would cause an unacceptable grouping of uses that would have a negative impact on the character and vitality of the centre. Depending on the size of the centre, a threshold of between 5% and 10% will be applied to these uses, above which planning permission will not be granted. In addition, permission will not be given if two or more of these uses are located immediately adjacent to each other, or if there are fewer than two units in other uses between gambling or arcade uses.

Site Allocations

- 4.41 In order to identify as many sites as possible to meet the identified need for both housing and employment land in the borough, a rigorous site assessment process has been undertaken following the methodology as was used for the Black Country Plan. From this analysis and the subsequent sustainability appraisal, we selected the most appropriate sites for allocation for housing, employment and Gypsy and Travellers. The current list of sites is included as an appendix to the Draft Local Plan document (appendix A). An interactive version of the Policies Map will be available on the Sandwell Plan web page during the consultation.



Infrastructure Provision

4.42 Officers have engaged with colleagues in Education, Utilities, Healthcare, Adult Social Care, Sport and Recreation, Parks, Burials and Crematoria, Flood Risk and Transport. Evidence so far is indicating that there are no major infrastructure 'showstoppers' which would prevent the deliverability of the proposed sites. Further transport modelling work will be carried out to inform the next stage of the Plan process. Infrastructure provision such as open space, schools and health provision have also been factored into new policies.

Sustainability Appraisal

4.43 The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Sustainability Appraisal Scoping report accompanied the earlier Issues and Options version of the plan. The subsequent version of the emerging Local Plan (the Draft Plan) has been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. These documents form an important part of the supporting evidence to the local plan review and help the Council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. The latest version of the Sustainability Appraisal and its appendices are attached as appendix C. The final version will be available for the commencement of the public consultation on 6th November.

4.44 It is proposed to undertake a public consultation on the Draft Sandwell Local Plan for a six-week period, 6th November 2023 – 18th December 2023. The Consultation and Stakeholder Engagement Plan is attached as appendix D.

4.45 In the meantime, officers will continue to refine the documents and make corrections where they are discovered. Any minor changes will be agreed with the Cabinet Member for Regeneration and the WMCA in conjunction with the Director for Regeneration and Growth.



5 Implications

Resources:	<p>The resource implications of preparing the Sandwell Local plan were outlined in the Cabinet report on 16th November. There are no additional resource implications arising from the course of action recommended in this report.</p>
Legal and Governance:	<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 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.</p> <p>There are three consultation periods that are statutory requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012; Issues and Options consultation (Regulation 18); Preferred Options/Draft Plan consultation (Regulation 18) and Publication/Pre-submission consultation (Regulation 19).</p>
Risk:	<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</p>



	<p>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> <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.</p>
Equality:	An Equalities Impact Assessment has been carried out for the Draft Sandwell Local Plan and further iterations will be completed for future stages of the plan's production. This ensures that any impacts likely to affect local communities / groups / individuals can be taken into account when decisions are made on the content and direction of the Local Plan. The EqIA is attached as appendix E to this report.
Health and Wellbeing:	<p>Health and Wellbeing is a key theme which will be addressed throughout the Local Plan. It will promote healthy living and create opportunities for active lifestyles and healthy transport choices including walking, cycling and outdoor recreation.</p> <p>Later stages of the plan will be accompanied by a Health Impact Assessment.</p>
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 housing, employment, transport, environment, and education goals.



Climate Change:	<p>The Sandwell Local Plan is a plan for the future (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.</p>
Corporate Parenting:	<p>The Sandwell Local Plan is a plan for the future (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.</p>

6 Appendices

- Appendix A - Draft Sandwell Local Plan and appendices
- Appendix B - Draft Policies Map
- Appendix C - Sustainability Appraisal and appendices
- Appendix D - Consultation & Stakeholder Engagement Plan
- Appendix E - Equalities Impact Assessment

7. Background Papers

The Planning and Compulsory Purchase Act 2004
The Localism Act 2011



The National Planning Policy Framework (July 2021)
Report to Cabinet – 16/11/2022
Sandwell Local Development Scheme (November 2022)

