

Report to Cabinet

17 January 2024

Subject:	Sandwell Local Development Scheme 2023
Cabinet Member:	Cabinet Member for Regeneration and WMCA Councillor Peter Hughes
Director:	Director of Regeneration and Growth Tony McGovern
Key Decision:	Yes Type (c) - an executive decision that 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
Contact Officer:	Strategic Planning and Transportation Manager – Andy Miller andy_miller@sandwell.gov.uk Senior Planning Policy Officer – Samantha Holder samantha_holder@sandwell.gov.uk

1 Recommendations



- 1.1 That approval be given to the update of the Sandwell Local Development Scheme (LDS) 2022.
- 1.2 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 WMCA.







2 Reasons for Recommendations

- 2.1 The purpose of this report is to seek approval for the updated Local Development Scheme for the period 2023 - 2026.
- 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. Any new 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 that 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. Documents within the LDS would be subject to an EIA as part of their 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 Local 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 2022 (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.
- 4.3 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 emphasise the need for authorities to keep their plans up-to-date and to make sure enough housing is built to meet local needs.



4.4 The NPPF was revised further in 2021 and again in 2023. The presumption in favour of sustainable development has been retained, but for plan-making it has now been updated to have a “greener” focus, including new requirements for development to improve the environment and mitigate climate change.

Local Plan Update

4.5 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.

4.6 In Sandwell the Local Plan currently consists of:

- Black Country Core Strategy – adopted 2011
- Sandwell Site Allocations and 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

4.7 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 12 years.

4.8 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.

4.9 It is worth noting that the SADD horizon date of 2021 means that the current Local Plan is now partially out of date and is approaching the point where it would be considered wholly out of date due to the age of



other documents and the significant changes to local and national circumstances that have occurred since their adoption.

Sandwell Local Plan

- 4.10 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 and 2026 respectively. As the Council is committed to reviewing plans every five years, the review of both documents should now be underway. However, given the work undertaken and then later abandoned on the draft Black Country Plan the Sandwell Local Plan review timetable has been disrupted.
- 4.11 It was always the intention to run the Sandwell Local Plan review approximately twelve months behind the strategic plan review. However, the impacts of the loss of the Black Country Plan on the review timetable has created timing and resource challenges in relation to the drafting of the new local plan and the various stages of consultation. The proposed timetable has been amended accordingly:

Issues & Options Consultation	February - March 2023
Draft Plan consultation (Reg 18)	November - December 2023
Plan Publication	Summer 2024
Submission to Secretary of State and Examination in Public	Late 2024 – early 2025
Adoption	Late 2025 – early 2026

- 4.12 Adoption of the Sandwell Local 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 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.



- 4.13 The West Bromwich Area Action Plan (WBAAP) forms part of the Statutory Development Plan; it was adopted in 2012 and expires in 2026.
- 4.14 The proposals in the WBAAP have largely been delivered. Due to changing market conditions, it was felt appropriate to adopt an updated and flexible approach to securing further regeneration in the centre. This was 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 provides certainty for developers bringing forward new schemes.
- 4.15 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. Much of the information they contain has been included in the draft Sandwell Local Plan in a new chapter specifically relating to West Bromwich.

5 Alternative Options

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

6 Implications

Resources:	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
Legal and Governance:	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



Risk:	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.
Equality:	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
Health and Wellbeing:	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
Social Value:	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.
Climate Change:	The recommendations set out in this report support the Council's Net Zero ambitions. Delivery of an up-to-date local plan will contribute towards climate change mitigation and adaptation measures, and meeting net zero targets, through nature-based solutions
Corporate Parenting:	No implications for Corporate Parenting.

7 Appendices

Appendix One: Sandwell MBC Local Development Scheme

Appendix Two: Local Development Scheme Timetable 2023

8 Background Papers

None.

